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No. 1.] **BILL.** [1895.

An Act to authorize the Corporation of the City of Brantford to sell a part of "Mount Hope Cemetery."

Preamble.

WHEREAS the said corporation have by their petition represented that prior to the incorporation of the said city by the Act passed in the 40th year of Her Majesty's reign, chapter 34, the then town of Brantford acquired a tract of land in the township of Brantford for cemetery purposes, containing about fifty-three acres, and known as "Mount Hope Cemetery," and in the said Act of incorporation provision was made for the sale of the said cemetery under certain conditions therein expressed, which said provision has not been acted upon; and whereas owing to the fact that such cemetery, ever since the acquisition thereof has been and is yet very seldom used for burial purposes, and contains an area much larger than will be required for a great many years to come, the said corporation by their said petition have prayed that they may be permitted to sell the westerly part thereof, containing about twenty acres, in the manner and for the purposes hereinafter set forth; and whereas the corporation of the city of Brantford, after submission to the ratepayers, passed a by-law to authorize certain negotiations with the Waterous Engine Works Company (Limited), including the purchase of certain lands for public purposes and to raise the sum of forty thousand dollars therefor, which said by-law is numbered 520, and have by their petition represented that it will be advantageous to the said city, as well as just and right, that the said by-law number 520 should be ratified, legalized, confirmed and declared valid, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell part of Mount Hope Cemetery.

1. It shall be lawful for, and the said corporation is hereby authorized to sell and convey in fee simple or for any less estate the following lands or any part thereof, namely:—the westerly twenty acres of the said cemetery bounded southerly, westerly and northerly by the present limits thereof, and easterly by a line drawn across the said cemetery parallel with the said westerly limit, and removed therefrom easterly a sufficient

distance to make up and include such twenty acres ; together with a small irregular piece of said cemetery lying north of the main part thereof, and east of and adjoining the northerly part of the said twenty acres as above described,—upon such terms and conditions, and for such price or prices as shall by said corporation be deemed proper, and freed and discharged of and from all claims and demands of any person or persons whatsoever, and trusts of every description, and such sales may be either by public auction or private contract, and for cash or on time or partly for cash and partly on time, and such corporation may take, accept and hold any mortgage or other security for any balance of such purchase money, provided always that no such sale or sales shall be made hereunder until the remains of the dead which shall be interred in the portion thereof proposed to be sold, together with all head stones, monuments and other memorials, shall have been removed therefrom as hereinafter provided.

Removal of remains of the dead, notice.

2. Before the removal of any such remains or memorials as aforesaid shall take place a notice of removal shall be given by said corporation in accordance with the provisions of section 12 of the said Act of incorporation, and also by the insertion of such notice for one month in the *Ontario Gazette*, and no further or other notice either to the friends or relatives of the deceased, or to the owner or owners of plots in such cemetery shall be necessary.

Power to remove remains, head stones, etc.

3. After the giving of such notice as aforesaid the said corporation are hereby authorized and empowered to remove from the part so intended to be disposed of to any other part of said cemetery all such remains, head stones, monuments and other memorials, and the provisions of section 11 of the said Act of incorporation as to the expense and manner of removal and re-interment and re-erection of memorials shall be applicable hereto and be observed by said corporation.

Rights of persons owning lots in part sold.

4. Persons owning plots in the part of said cemetery hereby authorized to be sold, shall, upon such sale taking place, be entitled to plots of a like size, and as near as may be similar as to location in the part retained by said corporation, and in case of dispute as to the location of such new plots the same shall be determined by the judge of the County Court of the county of Brant for the time being on application to him by the owner or owners dissatisfied with the allotment made by the said corporation, such application to be made within ten days after the day named in the notice of removal to be given as aforesaid, and the decision of such Judge shall be final.

Application of proceeds of sales.

5. The moneys arising from the sale of said land, after payment of the expenses connected with the passing of this Act and the carrying out of the provisions thereof, shall be applied

in improving and beautifying, in such manner as said corporation shall deem advisable, the part of said cemetery remaining unsold, but no purchaser of said lands or any part thereof shall be bound to see to the application of his purchase money, or the said moneys may be set apart and invested from time to time and be applied in the purchase of other lands for cemetery purposes, or as provided in section 10 of the said Act passed in the 40th year of her Majesty's reign, chaptered 34.

40 V., c. 34, not affected, except where inconsistent.

6. The portions of said Act of incorporation relating to said cemetery shall not be affected further than the carrying out of the provisions hereof renders necessary, but anything therein contained inconsistent with this Act is hereby repealed.

By-law 520 and agreement with Waterous Engine Works Company confirmed.

7. The said by-law No. 520 of the said corporation, and the agreement entered into between the said corporation and the Waterous Engine Works Company (Limited), in relation to the purchase of the lands mentioned therein, bearing date the fifteenth day of December, 1894, and which said by-law and agreement are set out in the schedule hereto, are hereby confirmed and declared legal and valid for all purposes, and the debentures to be issued under the said by-law shall be and the same are hereby declared to be legal and valid, and binding upon the corporation of the said city of Brantford and the ratepayers thereof.

Power to sell or lease certain lands.

8. The municipal council of the said corporation shall have full power to rent or lease or to sell and dispose of the whole or any portion of the said lands on such terms as may be deemed expedient, and in case of a sale or sales the moneys arising therefrom shall be either set apart as a sinking fund to retire the debentures to be issued under said by-law, or shall be applied in purchasing other lands to be used as a site for public buildings or other public purposes of the said city.

SCHEDULE.

(Section 7.)

By-Law No. 520.

To authorize certain negotiations with the Waterous Engine Works Company (Limited), including the purchase of certain lands for public purposes, and to raise $40,000 therefor:

Whereas negotiations have been entered into between the corporation of the city of Brantford and the said company, whereby, among other things, the said company have agreed to erect a new factory within the limits of the said city, and the said corporation have agreed to purchase the lands and pre-

mises at present occupied by said company, full particulars of which said negotiations are set forth in the agreement hereto annexed and referred to as schedule A, which said schedule is hereby declared to be a part of this by-law.

And whereas it will be necessary for said corporation to raise annually by special rate during the term of twenty years the sums hereinafter mentioned for paying the principal sum of forty thousand dollars mentioned in said agreement and interest thereon at four per cent. per annum, payable yearly.

And whereas the amount of the whole rateable property of the municipality of the said city of Brantford, according to the last revised assessment roll thereof, being for the year 1894, is the sum of $6,408,266.00.

And whereas the amount of the existing debenture debt of the said municipality amounts to $686,433.00, and no part of the principal or interest thereof is in arrear.

Therefore the municipal council of the corporation of the city of Brantford, enacts as follows:

1. It shall and may be lawful for the said corporation to purchase from the said company the lands in the said agreement mentioned at the price and upon the terms therein set forth.

2. For the purpose aforesaid, it shall and may be lawful for said corporation to borrow the said sum of forty thousand dollars and to issue debentures of the municipality to the amount of forty thousand dollars in sums of not less than one hundred each, payable at the expiration of twenty years from the time said debentures are deliverable to said company under said agreement, at the rate of four per cent. per annum, payable yearly at the expiration of each and every year from the date of the issuing of said debentures. The said debentures as to both principal and interest shall be made payable at the office in Brantford of the treasurer of said corporation and not elsewhere.

3. The mayor of said municipality is hereby authorized and instructed to sign and issue the said debentures so to be issued as aforesaid, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of said municipality is hereby authorized and instructed to attach the corporate seal thereof to the said debentures.

4. To provide for the payment of principal and interest of said debentures, the sum of $1,343.27 for payment of the said principal and the sum of $1,600.00 for payment of said interest shall in addition to all other rates, be assessed, levied, raised, and collected upon all the rateable property in the said municipality in each year during the currency of the said debentures by special rate sufficient therefor.

5. When the assent of the electors of the said corporation has been obtained hereto, and this by-law shall have been finally passed, it shall be lawful for the mayor of this corporation to execute the said agreement on behalf of the corporation on procuring its execution by the said company.

6. It shall be lawful for said corporation to take all necessary steps to secure the legislation requisite for the confirmation of this by-law and the said agreement.

7. The votes of the ratepayers of the said municipality shall be taken on this by-law on Monday, the 7th day of January, 1895, at the hour of nine o'clock in the forenoon and continue to be taken until the hour of five o'clock in the afternoon, at the following places and by the following persons who are hereby appointed deputy returning officers :

For polling sub division No. 1, in ward No. 1, at the house of Mr. Graham, 33 Egerton street; W. A. Wilkes, deputy returning officer.

For polling sub-division No. 2, in ward No. 1, at the house of C. Milligan, 128 West Mill street; William Sloan, deputy returning officer.

For polling sub-division No 3, in ward No. 1, at the house of H. McDonald, 99 Oxford street; Charles Ott deputy returning officer.

For polling sub-division No. 4, in ward No. 1, at the house of John Callis, 7 Colborne street; John Callis, deputy returning officer.

For polling sub-division No. 5, in ward No. 2, at the house of J. Buckley, 15 Bond street; Charles Jackson, deputy returning officer.

For polling sub-division No. 6, in ward No. 2, at the house of J. McKenna, corner of Pearl and Waterloo streets; William Harvey, deputy returning officer.

For polling sub-division No. 7, in ward No. 2, at the house of John Larman, 13 Albion street; S. M. Thomson, deputy returning officer.

For polling sub-division No. 8, in ward No. 2, at the house of W. Tucker, 66 William street; R. W. Brooks, deputy returning officer.

For polling sub-division No. 9, in ward No. 3, at city hall; L. Benedict, deputy returning officer.

For polling subdivision No. 10, in ward No. 3, at the overseer's office, Queen street; W. T. Urquhart deputy returning officer.

For polling sub-division No. 11, in ward No. 3, at the court house; F. H. Leonard, deputy returning officer.

For polling sub-division No. 12, in ward No. 3, at the shop of L. B. Carey, 122 Market street; L. B. Carey, deputy returning officer.

For polling sub-division No. 13, in ward No. 3, at the house formerly occupied by Mrs. Oxtaby, 201 Market street; Joseph Tilley, deputy returning officer.

For polling sub-division No. 14, in ward No. 4, at the house of John Fisher, 288 Dalhousie street; F. J. Bullock, deputy returning officer.

For polling sub-division No. 15, in ward No. 4, at the house of A. McMeans, corner of Alfred and Darling streets; J. W. Tutt, deputy returning officer.

For polling sub-division No. 16, in ward No. 4, at the house of J. Sears, 145 Peel street; J. Sears, deputy returning officer.

For polling sub-division No. 17, in ward No. 4, at the house of W. Hawthorn, 210 Chatham street; J. S. Thomas, deputy returning officer.

For polling sub-division No 18, in ward No. 5, at the house of Mrs. Catharine Kerr, 155 Park avenue; William Frank, deputy returning officer.

For polling sub division No. 19, in ward No. 5, at the house of Mr. Haddlesey, 55 Arthur street; A. P. Tipson, deputy returning officer.

For polling sub-division No. 20, in ward No. 5, at the house of H. Thompson, 89 Park avenue; T. Robson, deputy-returning officer.

For polling sub-division No. 21, in ward No. 5, at the house of Mr. Joseph Blayborough, 81 Erie avenue; William Blayborough, deputy returning officer.

On Friday, the 4th day of January, 1895, at the hour of 10 o'clock in the forenoon, the mayor shall attend at the office of the clerk in the city hall to appoint persons to attend at the various polling places and at the final summing up of the votes by the said clerk, respectively, on behalf of the persons interested in opposing or promoting the passing of this by-law, and the said clerk shall attend at his office in the city hall of the said city of Brantford, at 10 o'clock of the forenoon of Tuesday, the 8th day of January, 1895, and sum up the number of votes given for and against the by-law.

Passed in Council 21st January, 1895.

(Sgd.) H. F. LEONARD, Clerk.

(Sgd.) GEORGE WATT, Mayor.

[Corp. Seal.]

SCHEDULE A TO THE ANNEXED BY-LAW.

Agreement made this 15th Day of December, A.D. 1894, between

The Municipal Corporation of the City of Brantford, hereinafter called the Corporation of the one part, and,

The Waterous Engine Works Company (Limited), hereinafter called the Company of the other part.

Whereas the said company find their workshops and premises inadequate for the requirements of their constantly increasing business and have proposed to remove to another site.

And, whereas their present location is in a very central part of the city, and the manufacturing processes carried on there are in many respects detrimental to and depreciatory of the value of the surrounding properties, but the lands occupied thereby are suitable for a market, a site for public buildings or other public purposes, and said city is desirous of acquiring the same therefor, and at the same time to make certain arrangements, with, and concessions to, the said company, as hereinafter mentioned.

These presents, therefore, witness that the parties hereto covenant with each other as follows:

(1) The said corporation hereby agree to purchase from the said company the lands and premises on which their present works are situated, and consisting of that parcel of land fronting on Dalhousie, Queen and Darling streets in said city, having a frontage of three hundred and fourteen feet, more or less, on Dalhousie street, and a frontage of two hundred and thirty-five feet, more or less, on Darling street, and bounded on the west by Queen street, and on the east by the line of the fences and walls of the buildings as now standing (excepting thereout the property of one Alfred Ball fronting on Queen street, and consisting of his brick blacksmith shop and the frame dwelling adjoining the same on the south side thereof) for the price or sum of forty thousand dollars payable at the time and in the manner hereinafter mentioned, with the privilege to the said company of removing from said premises all the buildings and erections thereon situate west of the lane running between their present factory and office buildings from Dalhousie to Darling streets, such removal to be made and completed not later than six months after said company removes therefrom. The said company shall also remove all machinery, trade fixtures and appliances from all parts of said premises not later than six months after their removal to their new works and all such removals, whether of buildings, machinery or otherwise, shall be done in such manner as shall cause the least possible injury to the remainder of the premises.

(2) The company shall, not later than three months after the passing and legalizing of the by-law to which these presents are attached as a schedule, procure within the limits of the city of Brantford, an estate in a fee simple in a site sufficient for the establishment thereon of the works hereinafter mentioned and as soon thereafter as can conveniently be done, and not later than two years after the passing and legalizing of said by-law, erect on said lands, buildings suitable for the proper carrying on of their manufacturing business of the same or a like character to that in which they are now engaged and

within said last named period, also fully and properly equip said buildings and premises with all the necessary machinery, fixtures, plant and appliances, so that such buildings, and equipment shall be sufficient to furnish constant employment thereat for at least four hundred skilled mechanics or other competent workmen, and shall also commence regular manufacturing operations therein within said two years.

(3) The said company shall not carry on manufacturing operations within the Dominion of Canada elsewhere than at the city of Brantford, and their main business office shall also be located in said city.

(4) The said company shall join with said corporation in procuring the necessary legislation to confirm this agreement and the said by-law, and shall further the same by all lawful means in their power, but the expenses thereof shall be borne by the corporation and said agreement and by-law shall be of no effect unless adopted by the people and legalized by the legislature.

(5) The said company shall accept as payment of the purchase money to be paid under the first clause hereof the debentures of said corporation issued under the authority of the said by-law, which debentures shall be delivered to said company by the said corporation upon the fulfilment by the company of the requirements of the second clause of this agreement, such debentures to be payable in twenty years thereafter with interest at four per cent. payable yearly.

(6) The said corporation agree to exempt so far as they have the power, the said company from all municipal taxation (other than school taxes and local improvements rates) in respect to the lands and premises above described as about to be purchased by the corporation, and the plant, machinery, stock and personal property, and business at present carried on there, until the completion of the purchase of the said lands by said corporation, as aforesaid, not however exceeding the period of ten years as provided by law. And further, to exempt so far as they have the power in like manner the lands and premises so to be acquired for the new factory, together with all the plant and machinery, stock, personal property and business to be located on there for a period of ten years from the first day of January, 1897.

(7) The said corporation shall provide adequate fire protection for the proposed new premises of the company by the construction of water mains to such points on the adjacent street and the erection of hydrants thereat, as the chief of the fire department shall indicate. And the corporation shall also cause the streets in the locality of the new works to be properly lighted and such streets also to be properly levelled and graded so as to furnish passage and access to the works for heavy teaming at all seasons of the year.

(8) As far as the said corporation has power to grant the same, the company shall be at liberty to lay railway tracks on, along or across the streets in the vicinity of their proposed new

works, to make switch connections with the lines of the Grand Trunk and Toronto, Hamilton & Buffalo Railways, such track to be laid in such a manner as shall cause the least possible interference with or obstruction to the said streets, said company agreeing to indemnify said corporation and save them harmless from and against all damages sustained by any person or persons by reason of the exercise by the company of the privileges hereby granted.

(9) The said corporation shall cause that part of Oneida street, adjoining the lands acquired by the company for a site, and lying between Erie avenue and Jex street, to be closed and to allow said company to occupy, use and enjoy the same as a part of their own premises without compensation to said corporation; the said company, however, undertaking and agreeing to indemnify and save harmless the said corporation from and against all damages of every description which they may suffer or be put to by any person or persons by reason of the closing up of such portion of the said street.

(10) The exemption of the present buildings and premises and business contemplated by clause six of this agreement is conditional upon the company carrying out all the obligations of this agreement, and in the event of their not doing so they will remain liable for payment of taxes as if these presents had not been made.

(11) The provisions for fire protection and lighting shall apply only in case the site selected for the new works shall be situated within 1,500 feet of existing mains, and the provisions as to streets shall apply only to existing streets.

(12) The provisions of this agreement as to exemptions from taxation shall be operative only in case the company operate their works in the usual manner for nine months at least in each year, and in case they fail in any year to operate their works as aforesaid, the taxes for that year shall be due and payable.

No. 1.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Corporation of the City of Brantford to sell a part of "Mount Hope Cemetery."

First Reading, 1895.

(Private Bill.)

MR. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 1.] **BILL.** [1895.

An Act to authorize the Corporation of the City of Brantford to sell a part of "Mount Hope Cemetery."

Preamble.

WHEREAS the said corporation have by their petition represented that prior to the incorporation of the said city by the Act passed in the 40th year of Her Majesty's reign, chapter 34, the then town of Brantford acquired a tract of land in the township of Brantford for cemetery purposes, containing about fifty-three acres, and known as "Mount Hope Cemetery," and in the said Act of incorporation provision was made for the sale of the said cemetery under certain conditions therein expressed, which said provision has not been acted upon; and whereas owing to the fact that such cemetery, ever since the acquisition thereof has been and is yet very seldom used for burial purposes, and contains an area much larger than will be required for a great many years to come, the said corporation by their said petition have prayed that they may be permitted to sell the westerly part thereof, containing about twenty acres, in the manner and for the purposes hereinafter set forth; and whereas the corporation of the city of Brantford, after submission to the ratepayers, passed a by-law to authorize certain negotiations with the Waterous Engine Works Company (Limited), including the purchase of certain lands for public purposes and to raise the sum of forty thousand dollars therefor, which said by-law is numbered 520, and have by their petition represented that it will be advantageous to the said city, as well as just and right, that the said by-law number 520 should be ratified, legalized, confirmed and declared valid, and whereas no opposition has been made to the petition and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell part of Mount Hope Cemetery.

1. It shall be lawful for, and the said corporation is hereby authorized to sell and convey in fee simple or for any less estate the following lands or any part thereof, namely:—the westerly twenty acres of the said cemetery bounded southerly, westerly and northerly by the present limits thereof, and easterly by a line drawn across the said cemetery parallel with the said westerly limit, and removed therefrom easterly a sufficient

distance to make up and include such twenty acres ; together with a small irregular piece of said cemetery lying north of the main part thereof, and east of and adjoining the northerly part of the said twenty acres as above described,—upon such terms and conditions, and for such price or prices as shall by said corporation be deemed proper, and freed and discharged of and from all claims and demands of any person or persons whatsoever, and trusts of every description, and such sales may be either by public auction or private contract, and for cash or on time or partly for cash and partly on time, and such corporation may take, accept and hold any mortgage or other security for any balance of such purchase money, provided always that no such sale or sales shall be made hereunder until the remains of the dead which shall be interred in the portion thereof proposed to be sold, together with all head stones, monuments and other memorials, shall have been removed therefrom as hereinafter provided.

Removal of remains of the dead, notice.

2. Before the removal of any such remains or memorials as aforesaid shall take place a notice of removal shall be given by said corporation in accordance with the provisions of section 12 of the said Act of incorporation, and also by the insertion of such notice for one month in the *Ontario Gazette*, and no further or other notice either to the friends or relatives of the deceased, or to the owner or owners of plots in such cemetery shall be necessary.

Power to remove remains, head stones, etc.

3. After the giving of such notice as aforesaid the said corporation are hereby authorized and empowered to remove from the part so intended to be disposed of to any other part of said cemetery all such remains, head stones, monuments and other memorials, and the provisions of section 11 of the said Act of incorporation as to the expense and manner of removal and re-interment and re-erection of memorials shall be applicable hereto and be observed by said corporation.

Rights of persons owning lots in part sold.

4. Persons owning plots in the part of said cemetery hereby authorized to be sold, shall, upon such sale taking place, be entitled to plots of a like size, and as near as may be similar as to location in the part retained by said corporation, and in case of dispute as to the location of such new plots the same shall be determined by the judge of the County Court of the county of Brant for the time being on application to him by the owner or owners dissatisfied with the allotment made by the said corporation, such application to be made within ten days after the day named in the notice of removal to be given as aforesaid, and the decision of such Judge shall be final.

Application of proceeds of sales.

5. The moneys arising from the sale of said land, after payment of the expenses connected with the passing of this Act and the carrying out of the provisions thereof, shall be applied

in improving and beautifying, in such manner as said corporation shall deem advisable, the part of said cemetery remaining unsold, but no purchaser of said lands or any part thereof shall be bound to see to the application of his purchase money, or the said moneys may be set apart and invested from time to time and be applied in the purchase of other lands for cemetery purposes, or as provided in section 10 of the said Act passed in the 40th year of her Majesty's reign, chaptered 34.

40 V., c. 34, not affected, except where inconsistent.

6. The portions of said Act of incorporation relating to said cemetery shall not be affected further than the carrying out of the provisions hereof renders necessary, but anything therein contained inconsistent with this Act is hereby repealed.

By-law 520 and agreement with Waterous Engine Works Company confirmed.

7. The said by-law No. 520 of the said corporation, and the agreement entered into between the said corporation and the Waterous Engine Works Company (Limited), in relation to the purchase of the lands mentioned therein, bearing date the fifteenth day of December, 1894, and which said by-law and agreement are set out in the schedule hereto, are hereby confirmed and declared legal and valid for all purposes, and to have been within the power and authority of said city and the debentures to be issued under the said by-law shall be and the same are hereby declared to be legal and valid, and binding upon the corporation of the said city of Brantford and the ratepayers thereof.

Power to sell or lease certain lands.

8. The municipal council of the said corporation shall have full power to rent or lease or to sell and dispose of the whole or any portion of the said lands on such terms as may be deemed expedient, and in case of a sale or sales the moneys arising therefrom shall be either set apart as a sinking fund to retire the debentures to be issued under said by-law, or shall be applied in purchasing other lands to be used as a site for public buildings or other public purposes of the said city.

SCHEDULE.

(Section 7.)

By-Law No. 520.

To authorize certain negotiations with the Waterous Engine Works Company (Limited), including the purchase of certain lands for public purposes, and to raise $40,000 therefor:

Whereas negotiations have been entered into between the corporation of the city of Brantford and the said company, whereby, among other things, the said company have agreed to erect a new factory within the limits of the said city, and the said corporation have agreed to purchase the lands and pre-

mises at present occupied by said company, full particulars of which said negotiations are set forth in the agreement hereto annexed and referred to as schedule A, which said schedule is hereby declared to be a part of this by-law.

And whereas it will be necessary for said corporation to raise annually by special rate during the term of twenty years the sums hereinafter mentioned for paying the principal sum of forty thousand dollars mentioned in said agreement and interest thereon at four per cent. per annum, payable yearly.

And whereas the amount of the whole rateable property of the municipality of the said city of Brantford, according to the last revised assessment roll thereof, being for the year 1894, is the sum of $6,408,266.00.

And whereas the amount of the existing debenture debt of the said municipality amounts to $686,433.00, and no part of the principal or interest thereof is in arrear.

Therefore the municipal council of the corporation of the city of Brantford, enacts as follows:

1. It shall and may be lawful for the said corporation to purchase from the said company the lands in the said agreement mentioned at the price and upon the terms therein set forth.

2. For the purpose aforesaid, it shall and may be lawful for said corporation to borrow the said sum of forty thousand dollars and to issue debentures of the municipality to the amount of forty thousand dollars in sums of not less than one hundred each, payable at the expiration of twenty years from the time said debentures are deliverable to said company under said agreement, at the rate of four per cent. per annum, payable yearly at the expiration of each and every year from the date of the issuing of said debentures. The said debentures as to both principal and interest shall be made payable at the office in Brantford of the treasurer of said corporation and not elsewhere.

3. The mayor of said municipality is hereby authorized and instructed to sign and issue the said debentures so to be issued as aforesaid, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of said municipality is hereby authorized and instructed to attach the corporate seal thereof to the said debentures.

4. To provide for the payment of principal and interest of said debentures, the sum of $1,343.27 for payment of the said principal and the sum of $1,600.00 for payment of said interest shall in addition to all other rates, be assessed, levied, raised, and collected upon all the rateable property in the said municipality in each year during the currency of the said debentures by special rate sufficient therefor.

5. When the assent of the electors of the said corporation has been obtained hereto, and this by-law shall have been finally passed, it shall be lawful for the mayor of this corporation to execute the said agreement on behalf of the corporation on procuring its execution by the said company.

6. It shall be lawful for said corporation to take all necessary steps to secure the legislation requisite for the confirmation of this by-law and the said agreement.

7. The votes of the ratepayers of the said municipality shall be taken on this by-law on Monday, the 7th day of January, 1895, at the hour of nine o'clock in the forenoon and continue to be taken until the hour of five o'clock in the afternoon, at the following places and by the following persons who are hereby appointed deputy returning officers :

For polling sub-division No. 1, in ward No. 1, at the house of Mr. Graham, 33 Egerton street; W. A. Wilkes, deputy returning officer.

For polling sub-division No. 2, in ward No. 1, at the house of C. Milligan, 128 West Mill street; William Sloan, deputy returning officer.

For polling sub-division No. 3, in ward No. 1, at the house of H. McDonald, 99 Oxford street; Charles Ott, deputy returning officer.

For polling sub-division No. 4, in ward No. 1, at the house of John Callis, 7 Colborne street; John Callis, deputy returning officer.

For polling sub-division No. 5, in ward No. 2, at the house of J. Buckley, 15 Bond street; Charles Jackson, deputy returning officer.

For polling sub-division No. 6, in ward No. 2, at the house of J. McKenna, corner of Pearl and Waterloo streets; William Harvey, deputy returning officer.

For polling sub-division No. 7, in ward No. 2, at the house of John Larman, 13 Albion street; S. M. Thomson, deputy returning officer.

For polling sub-division No. 8, in ward No. 2, at the house of W. Tucker, 66 William street; R. W. Brooks, deputy returning officer.

For polling sub-division No. 9, in ward No. 3, at city hall; L. Benedict, deputy returning officer.

For polling subdivision No. 10, in ward No. 3, at the overseer's office, Queen street; W. T. Urquhart deputy returning officer.

For polling sub-division No. 11, in ward No. 3, at the court house; F. H. Leonard, deputy returning officer.

For polling sub-division No. 12, in ward No. 3, at the shop of L. B. Carey, 122 Market street; L. B. Carey, deputy returning officer.

For polling sub-division No. 13, in ward No. 3, at the house formerly occupied by Mrs. Oxtaby, 201 Market street; Joseph Tilley, deputy returning officer.

For polling sub-division No. 14, in ward No. 4, at the house of John Fisher, 288 Dalhousie street; F. J. Bullock, deputy returning officer.

For polling sub-division No. 15, in ward No. 4, at the house of A. McMeans, corner of Alfred and Darling streets; J. W. Tutt, deputy returning officer.

For polling sub-division No. 16, in ward No. 4, at the house of J. Sears, 145 Peel street; J. Sears, deputy returning officer.

For polling sub-division No. 17, in ward No. 4, at the house of W. Hawthorn, 210 Chatham street; J. S. Thomas, deputy returning officer.

For polling sub-division No 18, in ward No. 5, at the house of Mrs. Catharine Kerr, 155 Park avenue; William Frank, deputy returning officer.

For polling sub division No. 19, in ward No. 5, at the house of Mr. Haddlesey, 55 Arthur street; A. P. Tipson, deputy returning officer.

For polling sub-division No. 20, in ward No. 5, at the house of H. Thompson, 89 Park avenue; T. Robson, deputy-returning officer.

For polling sub-division No. 21, in ward No. 5, at the house of Mr. Joseph Blayborough, 81 Erie avenue; William Blayborough, deputy returning officer.

On Friday, the 4th day of January, 1895, at the hour of 10 o'clock in the forenoon, the mayor shall attend at the office of the clerk in the city hall to appoint persons to attend at the various polling places and at the final summing up of the votes by the said clerk, respectively, on behalf of the persons interested in opposing or promoting the passing of this by-law, and the said clerk shall attend at his office in the city hall of the said city of Brantford, at 10 o'clock of the forenoon of Tuesday, the 8th day of January, 1895, and sum up the number of votes given for and against the by-law.

Passed in Council 21st January, 1895.

(Sgd.) H. F. LEONARD, Clerk.

(Sgd.) GEORGE WATT, Mayor.

[Corp. Seal.]

SCHEDULE A TO THE ANNEXED BY-LAW.

Agreement made this 15th Day of December, A.D. 1894, between

The Municipal Corporation of the City of Brantford, hereinafter called the Corporation of the one part, and,

The Waterous Engine Works Company (Limited), hereinafter called the Company of the other part.

Whereas the said company find their workshops and premises inadequate for the requirements of their constantly increasing business and have proposed to remove to another site.

And, whereas their present location is in a very central part of the city, and the manufacturing processes carried on there are in many respects detrimental to and depreciatory of the value of the surrounding properties, but the lands occupied thereby are suitable for a market, a site for public buildings or other public purposes, and said city is desirous of acquiring the same therefor, and at the same time to make certain arrangements, with, and concessions to, the said company, as hereinafter mentioned.

These presents, therefore, witness that the parties hereto covenant with each other as follows:

(1) The said corporation hereby agree to purchase from the said company the lands and premises on which their present works are situated, and consisting of that parcel of land fronting on Dalhousie, Queen and Darling streets in said city, having a frontage of three hundred and fourteen feet, more or less, on Dalhousie street, and a frontage of two hundred and thirty-five feet, more or less, on Darling street, and bounded on the west by Queen street, and on the east by the line of the fences and walls of the buildings as now standing (excepting thereout the property of one Alfred Ball fronting on Queen street, and consisting of his brick blacksmith shop and the frame dwelling adjoining the same on the south side thereof) for the price or sum of forty thousand dollars payable at the time and in the manner hereinafter mentioned, with the privilege to the said company of removing from said premises all the buildings and erections thereon situate west of the lane running between their present factory and office buildings from Dalhousie to Darling streets, such removal to be made and completed not later than six months after said company removes therefrom. The said company shall also remove all machinery, trade fixtures and appliances from all parts of said premises not later than six months after their removal to their new works and all such removals, whether of buildings, machinery or otherwise, shall be done in such manner as shall cause the least possible injury to the remainder of the premises.

(2) The company shall, not later than three months after the passing and legalizing of the by-law to which these presents are attached as a schedule, procure within the limits of the city of Brantford, an estate in a fee simple in a site sufficient for the establishment thereon of the works hereinafter mentioned and as soon thereafter as can conveniently be done, and not later than two years after the passing and legalizing of said by-law, erect on said lands, buildings suitable for the proper carrying on of their manufacturing business of the same or a like character to that in which they are now engaged and

within said last named period, also fully and properly equip said buildings and premises with all the necessary machinery, fixtures, plant and appliances, so that such buildings, and equipment shall be sufficient to furnish constant employment thereat for at least four hundred skilled mechanics or other competent workmen, and shall also commence regular manufacturing operations therein within said two years.

(3) The said company shall not carry on manufacturing operations within the Dominion of Canada elsewhere than at the city of Brantford, and their main business office shall also be located in said city.

(4) The said company shall join with said corporation in procuring the necessary legislation to confirm this agreement and the said by-law, and shall further the same by all lawful means in their power, but the expenses thereof shall be borne by the corporation and said agreement and by-law shall be of no effect unless adopted by the people and legalized by the legislature.

(5) The said company shall accept as payment of the purchase money to be paid under the first clause hereof the debentures of said corporation issued under the authority of the said by-law, which debentures shall be delivered to said company by the said corporation upon the fulfilment by the company of the requirements of the second clause of this agreement, such debentures to be payable in twenty years thereafter with interest at four per cent. payable yearly.

(6) The said corporation agree to exempt so far as they have the power, the said company from all municipal taxation (other than school taxes and local improvements rates) in respect to the lands and premises above described as about to be purchased by the corporation, and the plant, machinery, stock and personal property, and business at present carried on there, until the completion of the purchase of the said lands by said corporation, as aforesaid, not however exceeding the period of ten years as provided by law. And further, to exempt so far as they have the power in like manner the lands and premises so to be acquired for the new factory, together with all the plant and machinery, stock, personal property and business to be located on there for a period of ten years from the first day of January, 1897.

(7) The said corporation shall provide adequate fire protection for the proposed new premises of the company by the construction of water mains to such points on the adjacent street and the erection of hydrants thereat, as the chief of the fire department shall indicate. And the corporation shall also cause the streets in the locality of the new works to be properly lighted and such streets also to be properly levelled and graded so as to furnish passage and access to the works for heavy teaming at all seasons of the year.

(8) As far as the said corporation has power to grant the same, the company shall be at liberty to lay railway tracks on, along or across the streets in the vicinity of their proposed new

works, to make switch connections with the lines of the Grand Trunk and Toronto, Hamilton & Buffalo Railways, such track to be laid in such a manner as shall cause the least possible interference with or obstruction to the said streets, said company agreeing to indemnify said corporation and save them harmless from and against all damages sustained by any person or persons by reason of the exercise by the company of the privileges hereby granted.

(9) The said corporation shall cause that part of Oneida street, adjoining the lands acquired by the company for a site, and lying between Erie avenue and Jex street, to be closed and to allow said company to occupy, use and enjoy the same as a part of their own premises without compensation to said corporation; the said company, however, undertaking and agreeing to indemnify and save harmless the said corporation from and against all damages of every description which they may suffer or be put to by any person or persons by reason of the closing up of such portion of the said street.

(10) The exemption of the present buildings and premises and business contemplated by clause six of this agreement is conditional upon the company carrying out all the obligations of this agreement, and in the event of their not doing so they will remain liable for payment of taxes as if these presents had not been made.

(11) The provisions for fire protection and lighting shall apply only in case the site selected for the new works shall be situated within 1,500 feet of existing mains, and the provisions as to streets shall apply only to existing streets.

(12) The provisions of this agreement as to exemptions from taxation shall be operative only in case the company operate their works in the usual manner for nine months at least in each year, and in case they fail in any year to operate their works as aforesaid, the taxes for that year shall be due and payable.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Corporation of the City of Brantford to sell a part of "Mount Hope Cemetery."

First Reading, 14th March, 1895.

(Reprinted as amended by Private Bills Committee.)

MR. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 2.] BILL. [1895.

An Act to enable the Corporation of the Village of Teeswater to lease or sell certain lands.

Preamble.

WHEREAS the corporation of the village of Teeswater, by their petition, have shown that a certain plot of land in the said village of Teeswater known and marked as "Edmund Square" in the registered plan of said village, according to a survey made by George McPhillips, P.L.S., was conveyed to the corporation of the township of Culross for the use of a public allowance or market square; and whereas in the incorporation of the said village of Teeswater, which formerly formed part of the said township of Culross, the said corporation of the township of Culross, by deed, conveyed the said plot of land known as "Edmund Square" to the said the corporation of the village of Teeswater; and whereas it is represented by the said corporation of the village of Teeswater that the whole of the said plot of land is not required for the purposes of a market square or other public purpose, and is valuable but unproductive property, and the said corporation have prayed that they may be enabled to lease or sell such portions of such square as are not required for a market square or other public purposes, and in case of sales to take mortgages for the purchase moneys if necessary; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to lease or sell portions of Edmund Square.

1. The corporation of the village of Teeswater may lease or sell such portions of the said land as they may not require for the purposes of a market square or other public purpose, by a by-law or by-laws of the said corporation, which may from time to time be passed for such purpose, and may by such by-law or by-laws lease or sell the same in one or more parcels, and either by public auction, tender or private contract, and on such conditions as to the said corporation may seem proper.

Form of leases or conveyances.

2. Leases or conveyances of the said land, or any part thereof, may be made by the corporation of the village of

Teeswater in pursuance of any such by-law or by-laws to the lessees or purchasers thereof, such leases or conveyances to be signed by the reeve and clerk of said village and the corporate seal affixed.

Power to take mortgages back for purchase money.

3. In case of sales being made of said land or any part thereof the said corporation of the village of Teeswater is hereby authorized and empowered to take from the purchaser or purchasers a mortgage or mortgages for the payment of the purchase money or any part thereof containing the ordinary and usual covenants and powers of sale in case of default, and shall have power to enforce all such covenants and exercise such powers of sale when necessary so to do.

Application of proceeds of sale or lease.

4. The moneys realized from such leases or sales shall be applied to such village purposes as the corporation of the said village of Teeswater shall direct, but no lessee or purchaser shall be bound to see to the application of any such moneys.

Assent of electors not required.

55 V. c. 42.

5 It shall not be necessary to obtain the consent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

No. 2.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to enable the Corporation of the Village of Teeswater to lease or sell certain lands.

First Reading, , 1895.

(Private Bill.)

MR. TRUAX.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 2.] **BILL.** [1895.

An Act to enable the Corporation of the Village of Teeswater to lease or sell certain lands.

Preamble.

WHEREAS the corporation of the village of Teeswater, by their petition, have shown that a certain plot of land in the said village of Teeswater known and marked as "Edmund Square" in the registered plan of said village, according to a survey made by George McPhillips, P.L.S., was conveyed to the corporation of the township of Culross for the use of a public allowance or market square; and whereas on the incorporation of the said village of Teeswater, which formerly formed part of the said township of Culross, the said corporation of the township of Culross, by deed, conveyed the said plot of land known as "Edmund Square" to the said the corporation of the village of Teeswater; and whereas it is represented by the said corporation of the village of Teeswater that the whole of the said plot of land is not required for the purposes of a market square or other public purpose, and is valuable but unproductive property, and the said corporation have prayed that they may be enabled to lease or sell such portions of such square as are not required for a market square or other public purposes, and in case of sales to take mortgages for the purchase moneys if necessary; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to lease or sell portion of Edmund Square.

1. The corporation of the village of Teeswater may pass a by-law or by-laws for leasing or selling such portions of the said land as they may not require for the purposes of a market square or other public purpose, and may by such by-law or by-laws *authorize the* leasing or *sale of* the same in one or more parcels, and either by public auction, tender or private contract, and on such conditions as to the said corporation may seem proper.

Form of leases or conveyances.

2. *Every* lease or conveyance of the said land, or any part thereof authorized by any such by-law or by-laws and made by the corporation of the village of Teeswater in pursuance of any such by-law or by-laws to the lessees or

purchasers thereof, shall be executed under the corporate seal of the said village of Teeswater and be signed by the reeve and clerk thereof for the time being, and every lease or conveyance so executed and signed shall be deemed to have been duly executed and shall be binding upon the said corporation according to the estate or interest conveyed or intended so to be.

3. A public lane or alleyway sixteen feet wide shall be reserved along the westerly and southerly limits of that portion of the said lands lying west of Clinton street, such lane leading from Clinton street to the rear of the said lands and along the rear thereof to Union street, and the owners of lands adjacent to the lands hereby authorized to be sold shall for all time have free right of way over such lane or alleyway, and all sales made in pursuance of the provisions of this Act shall be subject to such reservation.

Power to take mortgages back for purchase money.

4. In case of sales being made of said land or any part thereof the said corporation of the village of Teeswater is hereby authorized and empowered to take from the purchaser or purchasers a mortgage or mortgages for the payment of the purchase money or any part thereof containing the ordinary and usual covenants and powers of sale in case of default, and shall have power to enforce all such covenants and exercise such powers of sale when necessary so to do.

Application of proceeds of sale or lease.

5. The moneys realized from such leases or sales shall be applied to such village purposes as the corporation of the said village of Teeswater shall direct, but no lessee or purchaser shall be bound to see to the application of any such moneys.

Assent of electors not required.

55 V. c. 42.

6. It shall not be necessary to obtain the consent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

No. 2.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to enable the Corporation of the Village of Teeswater to lease or sell certain lands.

First Reading, 5th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

MR. TRUAX.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] **BILL.** [1895.

An Act to confirm By-law No. 263 of the Village of Preston.

Preamble.

WHEREAS the corporation of the village of Preston have by their petition represented that, with the almost unanimous consent of the ratepayers of the said village of Preston, obtained in the manner provided in *The Consolidated Municipal Act 1892*, with respect to by-laws for creating debts, the said corporation passed a by-law numbered 263 intituled "A by-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the village of Preston," wherein it was enacted that the said corporation might aid one John Ballantyne for the erection of a factory or foundry for the manufacture of woodworking machinery within the limits of the corporation of Preston, by lending him the sum of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years, in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 263 confirmed.

1. The said by-law No. 263 of the corporation of the village of Preston intituled, as in the preamble, and set out in schedule "A" to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 263, to grant aid by way of loan to John Ballantyne therein mentioned, to the extent of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years, in pursuance of the terms of said by-law, and all acts done or to be done and all payments made or to be made by the said corporation, pursuant to the said by-law No. 263, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

By-Law Number 263.

A By-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the corporation of the village of Preston.

Whereas John Ballantyne of the town of Galt in the county of Waterloo, gentleman, has applied to the municipal council of the said corporation of the village of Preston to aid him by lending him the sum of ten thousand dollars on condition that he shall without delay erect a factory or foundry within the limits of the corporation of Preston, to be built of stone and one story in height, to be 200 feet long and 100 feet in width and to be furnished and completed with all suitable machinery for the manufacturing of woodworking machinery, and costing at least fifteen thousand dollars the same to be completed and in running order on or before the first day of October, 1894, and shall repay the said loan in and by ten equal consecutive annual instalments of $1,000 each, payable on the thirty-first day of December in each year commencing with the year 1895 with interest from the thirty-first day of December, 1894, payable at the like times annually on the whole of said principal money from time to time remaining unpaid, unless the same shall become due sooner by reason of any breach of conditions as hereinafter mentioned and upon the further condition that the said Ballantyne will run the said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from after the first day of October, 1894, at least forty persons or employees (no one of whom shall be less than fifteen years of age) and who shall be engaged in the running and working of his said factory situate within the limits of the said village of Preston during the said entire term of ten years; and the said Ballantyne shall enter into a written agreement with the said corporation to do all things hereinbefore mentioned as to be done on his part and that in failure in performance or breach of any one or more of the said conditions the said John Ballantyne shall immediately thereafter repay to the said corporation the said loan with interest thereon at the said rate to the time of payment, and as a further condition the said Ballantyne shall at or before the time the said money shall be lent to him under the provisions of this by-law give security satisfactory to the said corporation by way of first mortgage on the said factory or foundry and the machinery therein for the observance of said conditions and the repayment of the said loan with the interest thereon;

And whereas in order to aid the said John Ballantyne by lending him the said sum of ten thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said

corporation to the amount of ten thousand dollars and to provide for the issue of debentures therefor ;

And whereas it is requisite to raise annually by special rate during said term for paying the said debt and interest the sum of $1,295.10 ;

And whereas the amount of the whole rateable property of the said municipality is $566,305.00 according to the last revised assessment roll ;

And whereas the amount of the existing debenture debt of the said municipality is $22425.23 no part of which either for principal or interest is in arrears ;

Be it therefore enacted by the corporation of the village of Preston by the municipal council thereof in council duly convened and assembled and it is hereby enacted as follows :—

1. That it shall and may be lawful for the municipal council of the corporation of the village of Preston to aid the said John Ballantyne for the erection of a factory or foundry for the manufacture of woodworking machinery within the limits of the corporation of Preston in manner aforesaid by lending him the sum of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions or restrictions attached to such loan) conditioned for the repayment thereof by the instalments, and as hereinbefore mentioned.

2. That it shall and may be lawful for the reeve of the said corporation to cause to be raised by way of loan the aforesaid sum of ten thousand dollars for the purpose hereinbefore mentioned from any person or persons or body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned and to cause the same to be paid to the treasurer of the said village.

3. Debentures of said municipality sealed with its corporate seal and signed by the said reeve and treasurer shall be issued to the amount of the said sum of ten thousand dollars and shall be made for the respective amounts and payable on the thirty-first day of December in the respective years following, that is to say :—

In the year 1895 the sum of $795.10.

In the year 1896 the sum of $834.90.

In the year 1897 the sum of $876.60.

In the year 1898 the sum of $920.40.

In the year 1899 the sum of $966.40.

In the year 1900 the sum of $1,014.80.

In the year 1901 the sum of $1,065.50.

In the year 1902 the sum of $1,118.80.

In the year 1903 the sum of $1,174.70.

In the year 1904 the sum of $1,232.80.

And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. That the said debentures shall bear interest at the rate of five per centum per annum from the thirty-first day of December, 1894, and such interest shall be payable yearly thereafter on the thirty-first day of December during the currency of the said debentures respectively.

5. The said debentures as to principal and interest shall be payable at the office of the Merchant's Bank of Canada in Preston.

6. For the purpose of paying the said debt and interest the said sum of twelve hundred and ninety-five dollars and ten cents shall be raised and levied in each year during the currency of the said debentures or any of them by a special rate sufficient therefor on all the rateable property in the said municipality.

7. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon in the council chambers in the said village of Preston on Saturday the 21st day of April in the year of our Lord 1894, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, and that the returning officer for taking the said votes shall be William Anthony Husband, the clerk of the said council.

8. That the said clerk shall sum up the number of votes given for and against the by-law at the said council chambers on the said 21st day of April, 1894, immediately after the closing of the said poll.

9. The reeve of the said village will attend at the said clerk's office in the said village on Thursday, the nineteenth day of April, 1894, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the polling place and at the final summing of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

10. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

(Signed) GEORGE A. CLARE,

Reeve.

WILLIAM A. HUSBAND,

Clerk.

No. 3.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-law No. 263 of the Village of Preston.

First Reading, 1895.

(Private Bill.)

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] **BILL.** [1895.

An Act to confirm By-law No. 263 of the Village of Preston.

Preamble.

WHEREAS the corporation of the village of Preston have by their petition represented that the said corporation passed a by-law numbered 263 intituled "A by-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the village of Preston," wherein it was enacted that the said corporation might aid one John Ballantyne for the erection of a factory or foundry for the manufacture of woodworking machinery within the limits of the corporation of Preston, by lending him the sum of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years, in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Consolidated Municipal Act 1892*, and about three-fourths of the said ratepayers qualified to vote as aforesaid voted in favor of the said by-law, and only one ratepayer opposed same; and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 263 confirmed.

1. The said by-law No. 263 of the corporation of the village of Preston intituled, as in the preamble, and set out in schedule "A" to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 263, to grant aid by way of loan to John Ballantyne therein mentioned, to the extent of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years, in pursuance of the terms of said by-law, and all acts done or to be done and all payments made or to be made by the said corporation, pursuant to the said by-law No. 263, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

By-Law Number 263.

A By-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the corporation of the village of Preston.

Whereas John Ballantyne of the town of Galt in the county of Waterloo, gentleman, has applied to the municipal council of the said corporation of the village of Preston to aid him by lending him the sum of ten thousand dollars on condition that he shall without delay erect a factory or foundry within the limits of the corporation of Preston, to be built of stone and one story in height, to be 200 feet long and 100 feet in width and to be furnished and completed with all suitable machinery for the manufacturing of woodworking machinery, and costing at least fifteen thousand dollars the same to be completed and in running order on or before the first day of October, 1894, and shall repay the said loan in and by ten equal consecutive annual instalments of $1,000 each, payable on the thirty-first day of December in each year commencing with the year 1895 with interest from the thirty-first day of December, 1894, payable at the like times annually on the whole of said principal money from time to time remaining unpaid, unless the same shall become due sooner by reason of any breach of conditions as hereinafter mentioned and upon the further condition that the said Ballantyne will run the said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from after the first day of October, 1894, at least forty persons or employees (no one of whom shall be less than fifteen years of age) and who shall be engaged in the running and working of his said factory situate within the limits of the said village of Preston during the said entire term of ten years; and the said Ballantyne shall enter into a written agreement with the said corporation to do all things hereinbefore mentioned as to be done on his part and that in failure in performance or breach of any one or more of the said conditions the said John Ballantyne shall immediately thereafter repay to the said corporation the said loan with interest thereon at the said rate to the time of payment, and as a further condition the said Ballantyne shall at or before the time the said money shall be lent to him under the provisions of this by-law give security satisfactory to the said corporation by way of first mortgage on the said factory or foundry and the machinery therein for the observance of said conditions and the repayment of the said loan with the interest thereon;

And whereas in order to aid the said John Ballantyne by lending him the said sum of ten thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said

corporation to the amount of ten thousand dollars and to provide for the issue of debentures therefor ;

And whereas it is requisite to raise annually by special rate during said term for paying the said debt and interest the sum of $1,295.10 ;

And whereas the amount of the whole rateable property of the said municipality is $566,305.00 according to the last revised assessment roll ;

And whereas the amount of the existing debenture debt of the said municipality is $22425.23 no part of which either for principal or interest is in arrears ;

Be it therefore enacted by the corporation of the village of Preston by the municipal council thereof in council duly convened and assembled and it is hereby enacted as follows :—

1. That it shall and may be lawful for the municipal council of the corporation of the village of Preston to aid the said John Ballantyne for the erection of a factory or foundry for the manufacture of woodworking machinery within the limits of the corporation of Preston in manner aforesaid by lending him the sum of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions or restrictions attached to such loan) conditioned for the repayment thereof by the instalments, and as hereinbefore mentioned.

2. That it shall and may be lawful for the reeve of the said corporation to cause to be raised by way of loan the aforesaid sum of ten thousand dollars for the purpose hereinbefore mentioned from any person or persons or body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned and to cause the same to be paid to the treasurer of the said village.

3. Debentures of said municipality sealed with its corporate seal and signed by the said reeve and treasurer shall be issued to the amount of the said sum of ten thousand dollars and shall be made for the respective amounts and payable on the thirty-first day of December in the respective years following, that is to say :—

In the year 1895 the sum of $795.10.

In the year 1896 the sum of $834.90.

In the year 1897 the sum of $876.60.

In the year 1898 the sum of $920.40.

In the year 1899 the sum of $966.40.

In the year 1900 the sum of $1,014.80.

In the year 1901 the sum of $1,065.50.

In the year 1902 the sum of $1,118.80.

In the year 1903 the sum of $1,174.70.

In the year 1904 the sum of $1,232.80.

And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. That the said debentures shall bear interest at the rate of five per centum per annum from the thirty-first day of December, 1894, and such interest shall be payable yearly thereafter on the thirty-first day of December during the currency of the said debentures respectively.

5. The said debentures as to principal and interest shall be payable at the office of the Merchant's Bank of Canada in Preston.

6. For the purpose of paying the said debt and interest the said sum of twelve hundred and ninety-five dollars and ten cents shall be raised and levied in each year during the currency of the said debentures or any of them by a special rate sufficient therefor on all the rateable property in the said municipality.

7. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon in the council chambers in the said village of Preston on Saturday the 21st day of April in the year of our Lord 1894, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, and that the returning officer for taking the said votes shall be William Anthony Husband, the clerk of the said council.

8. That the said clerk shall sum up the number of votes given for and against the by-law at the said council chambers on the said 21st day of April, 1894, immediately after the closing of the said poll.

9. The reeve of the said village will attend at the said clerk's office in the said village on Thursday, the nineteenth day of April, 1894, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the polling place and at the final summing of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

10. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

(Signed) GEORGE A. CLARE,

Reeve.

WILLIAM A. HUSBAND,

Clerk.

No. 3.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-law No. 263 of the Village of Preston.

First Reading, 7th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 4.] BILL. [1895.

An Act respecting the Hamilton and Dundas Street Railway.

Preamble.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to amend the statute relating to that company, being chapter 119 of the Acts of the Legislature of the Province of Ontario passed in the 53rd year of Her Majesty's reign, and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V., c. 119, ss. 1 and 2, amended.

1. The consent required by sections 1 and 2 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 119, shall be sufficient if given respectively by three-fourths in value and number of the bondholders and holders of preferential stock in the said company.

Power to issue second mortgage bonds for $100,000.

2. The said company are, in addition to the powers given by the sections 2 and 3 of the last mentioned Act, authorized to issue, as part of their capital, second mortgage bonds for a sum not to exceed $100,000, to form a lien on the undertaking and real property of the said company (including its rolling stock and equipments) then existing or at any time thereafter acquired, and its rents and income next after any unpaid vendors' liens and any issue of debenture stock or bonds to be issued as a first and preferential charge under the said Act, and if the company elect to issue any second mortgage bonds the provisions of the 3rd section of the said Act shall be applicable to such issue.

53 V., c. 119, s. 4, amended.

3. Section 4 of the last mentioned Act is amended by inserting in the 4th line thereof after the word "bonds," the words "or second mortgage bonds."

53 V., c. 119, s. 5, amended.

4. Section 5 of the said last mentioned Act is amended by inserting after the word "bonds" in the 4th line thereof, the words "or second mortgage bonds," and by inserting after the

words " may fix," in the 14th line, the words " or in the event of any amalgamation with any other company, the stock may be increased by such further sum as may be necessary to issue for the purpose of carrying out any agreement for amalgamation."

Use of electricity for motive power.

5. The company may operate their road by electricity as a motive power, with the consent of the council of the city of Hamilton, as to that part of the road within the city limits east of Queen street, and they may operate that part of the road outside the city limits and as far east as Queen street in the city, both as to freight and passenger service, either by electricity or steam or by both powers as they may elect.

Changing route with consent of councils.

6. The company may, with the consent of the council of the city of Hamilton, change in part or in whole the route of their road as located in the said city, and they may change the location of their line in the townships of Ancaster and Barton and in the town of Dundas, so as to ease curves and grades, and to make connection with any railway line now or hereafter built at any point in the said townships, and the said company may construct a spur line if necessary to connect with any such railway, provided that any such change shall, so far as the occupation of any highway is concerned (except for crossing purposes only) be subject to the consent of the proper municipality, and the said company, as to the right of way necessary for the changes and the spur aforesaid, shall have all the powers as to expropriation given to any railway company by virtue of *The Railway Act of Ontario*, under section 9 of the said Act, and under the heading of " Lands and their Valuation," and the said company may sell and convey to any purchaser, free from existing mortgage to secure bonded debts, any lands owned by them which they cease to occupy by reason of any change in the route as aforesaid.

Acquiring lands for necessary buildings.

7. The said company may acquire by purchase any lands requisite for the purpose of a power house, and they may, in connection therewith, carry on business of a light company, with all the powers given to such a company by virtue of the chapters 164 and 165 of the Revised Statutes of Ontario and amendments thereto.

Reducing number of directors.

8. The said company may by by-law, reduce the number of the directors of the company to any number not less than three.

Amalgamation with other companies.

9. The said company may amalgamate with any other company whose line or projected line may touch, intersect or connect with the company's line of railway, but only with the consent in number and value of three-fourths of the holders of all the share and bondholders of the said company, and such an amalgamation may take the form of a sale of the said

railway and all its rights and franchises to any other company, or it may take the form of a purchase by the said company of all the rights and franchises of such other company, and in any event in case of any such amalgamation, sale or purchase, the company may by by-law change its name from their present statutory name to any other suitable to their extended location or in such way as they may see fit.

No. 4.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Hamilton and Dundas Street Railway.

First Reading, 1895.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 4.] **BILL.** [1895.

An Act respecting the Hamilton and Dundas Street Railway.

WHEREAS the Hamilton and Dundas Street Railway Company were by section 1 of an Act passed in the 53rd year of her Majesty's reign, chapter 119, authorized to call in certain outstanding bonds, with the consent in writing of all the holders thereof; and whereas by the said section the said company were also authorized, after obtaining the consent in writing of all the holders of preferential stock in the company, to call in and cancel certain issues of preference stock; and whereas it was further by the said section provided that upon such calling in of the said bonds, a certain mortgage executed to trustees for the further securing the same should be discharged and cease to be a charge on the undertaking and property of the company; and whereas by section 2 of the said Act, the said company were authorized, after said consent had been obtained, to issue perpetual debenture stock or new bonds, to an amount not exceeding $150,000; and whereas all the holders of the said first-mentioned issue of bonds, with one exception, have given the required consent to the calling in and cancellation of such bonds; and whereas the said company have by their petition prayed that an Act may be passed to amend the said Act passed in the 53rd year of Her Majesty's reign, so as to enable the said company to exercise the powers conferred upon them by sections 1 and 2 of the said Act, after obtaining the consent of three-fourths in value and number of the said bondholders and holders of preferential stock; and whereas the said company have prayed for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The consent required by sections 1 and 2 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 119, shall be sufficient if given respectively by three-fourths in value and number of the bondholders and holders of preferential stock in the said company, provided that any holder of the bonds or preferential stock mentioned in the said sections, 53 V. c. 119, ss. 1 and 2, amended.

who objects to the revocation and cancellation of such bonds or preferential stock upon the terms mentioned in the said Act passed in the 53rd year of Her Majesty's reign, chapter 119, shall, upon the revocation and cancellation of the bonds or preferential stock held by him, be entitled to receive the face value thereof in cash, with a premium of five per cent. thereon added thereto, and all interest accrued prior to the date of such revocation and cancellation.

Power to issue second mortgage bonds for $100,000.

2. The said company are, in addition to the powers given by the sections 2 and 3 of the last mentioned Act, authorized to issue, as part of their capital, second mortgage bonds for a sum not to exceed $100,000, to form a lien on the undertaking and real property of the said company (including its rolling stock and equipments) then existing or at any time thereafter acquired, and its rents and income next after any unpaid vendors' liens and any issue of debenture stock or bonds to be issued as a first and preferential charge under the said Act, and if the company elect to issue any second mortgage bonds the provisions of the 3rd section of the said Act shall be applicable to such issue.

53 V., c. 119, s. 4, amended.

3. Section 4 of the last mentioned Act is amended by inserting in the 4th line thereof after the word "bonds," the words "or second mortgage bonds."

53 V., c. 119, s. 5, amended.

4. Section 5 of the said last mentioned Act is amended by inserting after the word "bonds" in the 4th line thereof, the words "or second mortgage bonds."

Use of electricity for motive power.

5. Subject to the provisions of sub-section 8 of section 9 and of section 37 of *The Electric Railway Act, 1895*, except as to crossings heretofore constructed, the company may operate their road by electricity as a motive power, but only after the consent of the council of the city of Hamilton has been obtained as to that part of the road within the city limits, east of Queen street, and they may operate that part of the road outside the city limits and as far east as Queen street in the city, both as to freight and passenger service, either by electricity or steam or by both powers as they may elect; provided that the consent of the council of any municipality through which said road or any part thereof may pass, or in which the same may be situate be first had and obtained.

Changing route with consent of councils.

6. Subject to the provisions of sub-section 8 of section 9 and of sections 18 and 37 of *The Electric Railway Act, 1895*, the company may, with the consent of the council of the city of Hamilton, to be given by a by-law or by-laws of such council and subject to such terms and conditions as may be thereby imposed, change in part or in whole the route of their road as located in the said city, and they may change the location of their line in the townships of Ancaster and Barton

and in the town of Dundas, so as to ease curves and grades, and to make connection with any railway line now or hereafter built at any point in the said townships, and the said company may construct a spur line if necessary to connect with any such railway, and the said company may sell and convey to any purchaser, free from existing mortgage to secure bonded debts, any lands owned by them which they cease to occupy by reason of any change in the route as aforesaid; provided that the existing mortgage to secure the bonded debt of the company and the bonds secured thereby, shall apply to and include the line of the said company and the franchise, property and assets of the said company, to the same extent and in the same manner as if the said change of line had been made before the execution of such mortgage security.

Warehouses, docks, etc.

7. The company may purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops and offices, and may sell and convey such land as may be found superfluous for any such purpose.

Works for producing electricity.

8. The company may construct, maintain and operate works for the production of electricity for the motive power of the said railway and for lighting and heating the rolling stock of the company, and the company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting companies for Steam and Heating, or for supplyiny Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Reducing number of directors.

9. The said company may by by-law, reduce the number of the directors of the company to any number not less than three.

By-laws of City of Hamilton not affected.

10. Nothing in this Act contained shall alter or affect any provisions or restrictions contained in any by-laws of the city of Hamilton relative to the said company or to any other company, or in any agreement between the said city corporation and any of such companies or shall be construed as extending or enlarging any powers or privileges granted by any such by-laws or agreements.

No. 4.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Hamilton and Dundas Street Railway.

First Reading, 12th March, 1895.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 5.] **BILL.** [1895.

An Act to consolidate the Floating Debt of the City of Windsor.

Preamble.

WHEREAS the corporation of the city of Windsor has incurred a floating indebtedness of $30,000, a result of overdrawn accounts from time to time opened for current expenditure, and there exists a shortage in the sinking fund account of the city of $18,225, and has also incurred an expenditure of certain sums of money for unforseen expenses which have arisen from time to time through errors and shortages in the construction of their sewer system amounting in the aggregate to a floating debt of $49,485.48, upon which there is also certain interest accrued, and has by its petition prayed that the said floating indebtedness may be consolidated and that the said corporation may be authorized to pass a by-law to issue debentures therefor for a sum not exceeding $50,000; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to issue debentures for $50,000.

1. The said corporation may pass a by-law authorizing the issue of debentures under the corporation seal and signed by the Mayor and countersigned by the treasurer for the time being, for such sums not less than $100 each and not exceeding $50,000 in the whole, as the council of the said corporation may direct; and the principal of said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and either in sterling money of Great Britain or in lawful money of Canada, as the said council may direct.

Term of debentures,—interest.

2. The said debentures shall be made payable at such period not exceeding thirty years from the date hereof, as the said council may direct; and the interest thereon at such rate not exceeding five per cent. per annum, as the said council shall direct, shall be payable half-yearly according to the coupons to be attached to such debentures.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the electors of the said city to the passage of the by-law directing the issue of the said debentures or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

Irregularities in form not to invalidate debentures or by-laws.

4. No irregularity in the form either of the by-law authorizing the issue of the said debentures, or of the said debentures themselves, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Special rate.

5. For payment of the principal money of the said debentures and the interest, the council shall impose a special rate per annum, over and above and in addition to all other rates to be levied in each year during the currency of the said debentures, which shall be sufficient to raise such an amount as will pay the interest on the said debentures, and also form a sinking fund sufficient for the payment of the principal money of the said debentures at their maturity.

Raising money on debentures.

6. The said council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied towards the payment of the said floating debt and to and for no other purpose whatever, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

No. 5.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Floating Debt of the City of Windsor.

1st Reading, 1895.

(Private Bill.)

Mr. McKee.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 6.] **BILL.** [1895.

An Act to incorporate the Advent Christian Church of Ontario in Canada.

Preamble.

WHEREAS the Advent Christian Conference of the Province of Ontario, in Canada, have by their petition, represented that they are desirous to become incorporated in the Province of Ontario, with powers to purchase, sell, hold and mortgage property, and to make loans and investments, of surplus funds, and to appoint trustees and other officers of their church from time to time, as necessary or expedient, and to receive and take legacies, bequests and devises heretofore or hereafter bequeathed, granted and devised to them for the purposes of the said church; and whereas it is expedient to grant the prayer of the said petition;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Advent Christian Conference of Ontario in Canada, shall be and is hereby declared to be a body politic and corporate, by the name and style of the "Advent Christian Church of Ontario in Canada," and by that name shall have perpetual succession, and shall be capable of suing and being sued, in any court whatever, and shall have and use a common seal which it may alter and change at pleasure.

Appointment of officers—management of property.

2. It shall be lawful for the regular members of the conference of the said Advent Christian Church at its regularly constituted meetings to appoint such officers and trustees, and make and ordain such by-laws and regulations in relation to the management and disposition of the real and personal estate of the corporation the duties of its officers, and the management of its corporate offices as they shall think proper, provided that they are not inconsistent with any act or law in that behalf in force within this Province.

Acquiring and holding property.

3. The said corporation may purchase and hold real and personal estate for the purposes of the corporation, and may also with the consent of a majority of the members of the said conference, at its regularly constituted meetings

sell and mortgage any of its real or personal estate, the proceeds thereof to be applied as a majority of the members of the said conference shall determine ; and the said corporation may also receive, take and hold legacies, bequests, lands and property, for the purposes of the said church, whether heretofore or hereafter bequeathed, devised or granted to said church or corporation.

Proviso. Provided always that no real estate not actually occupied for the purposes of the corporation shall be held for a longer period than seven years, and the lands in Ontario held by the said corporation shall not exceed in annual value the sum of $5,000 at any one time : Provided that no gift or devise of any real estate or of any interest therein shall be valid unless made by deed or will executed by the donor or testator at least six months before his death.

Investments. 4. The said corporation may also, from time to time, make such investments and loans of all moneys held for investment, for the use or purposes of the said church, and alter and change such investments, when and as may be approved of, by the written consent of a majority of the officers and trustees of the conference of the said Advent Christian Church.

No. 6.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Advent Christian Church of Ontario in Canada.

First Reading, 1894.

(Private Bill.)

Mr. BENNETT.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 6.] **BILL.** [1895.

An Act to incorporate the Advent Christian Church of Ontario in Canada.

Preamble.

WHEREAS the Advent Christian Conference of the Province of Ontario, in Canada, have by the Rev. Homer W. Davis, their president, and Emerson Warner, chairman of committee, who have signed a petition in the name of the said conference, represented that they are desirous to become incorporated in the Province of Ontario, with powers to purchase, sell, hold and mortgage property, and to make loans and investments, of surplus funds, and to appoint trustees and other officers of their church from time to time, as necessary or expedient, and to receive and take legacies, bequests and devises heretofore or hereafter bequeathed, granted and devised to them for the purposes of the said church; and whereas it is expedient to grant the prayer of the said petition;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Advent Christian Conference of Ontario in Canada, shall be and is hereby declared to be a body politic and corporate, by the name and style of the "Advent Christian Church of Ontario in Canada," and by that name shall have perpetual succession, and shall be capable of suing and being sued, in any court whatever, and shall have and use a common seal which it may alter and change at pleasure.

Appointment of officers—management of property.

2. It shall be lawful for the regular members of the conference of the said Advent Christian Church at its regularly constituted meetings to appoint such officers and trustees, and make and ordain such by-laws and regulations in relation to the management and disposition of the real and personal estate of the corporation the duties of its officers, and the management of its corporate offices as they shall think proper, provided that they are not inconsistent with any act or law in that behalf in force within this Province.

Acquiring and holding property.

3. The said corporation may purchase and hold real and personal estate for the purposes of the corporation, and may also with the consent of a majority of the members of the said conference, at its regularly constituted meetings sell and mortgage any of its real or personal estate, the proceeds thereof to be applied as a majority of the members of the said conference shall determine; and the said corporation may also receive, take and hold legacies, bequests, lands and property, for the purposes of the said church, whether heretofore or hereafter bequeathed, devised or granted to said church or corporation.

Proviso.

Provided always that no real estate not actually occupied for the purposes of the corporation shall be held for a longer period than seven years, and the lands in Ontario held by the said corporation shall not exceed in annual value the sum of $5,000 at any one time: Provided that no gift or devise of any real estate or of any interest therein shall be valid unless made by deed or will executed by the donor or testator at least six months before his death.

Investments.

4. The said corporation may also, from time to time, make such investments and loans of all moneys held for investment, for the use or purposes of the said church, and alter and change such investments, when and as may be approved of, by the written consent of a majority of the officers and trustees of the conference of the said Advent Christian Church.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Advent Christian Church of Ontario in Canada.

First Reading, 7th March, 1895.

(Re-printed as amended by Private Bills Committee.)

Mr. BENNETT.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 7.] BILL. [1895.

Act respecting the Fort Erie Ferry Railway Company.

Preamble.

WHEREAS the Fort Erie Ferry Railway Company has by its petition prayed that an Act may be passed providing for certain amendments to the Act of the Legislature of the Province of Ontario passed in the 50th year of Her Majesty's reign, chaptered 76, incorporating the said Company and for an extension of the powers conferred upon the company thereby; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to increase capital stock to $150,000.

1. The said Fort Erie Ferry Railway Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding one hundred and fifty thousand dollars.

Extension of line to Port Colborne.

2. The said company is hereby authorized and empowered to extend, construct, maintain, complete and operate its railway and the extension pursuant to the powers contained in the said Act of incorporation and in this Act, from the present western terminus of the said railway in the township of Bertie, in the county of Welland, to a point in or near the village of Port Colborne in the said county of Welland, such extended line to run through the southern portions of the townships of Bertie and Humberstone between the Buffalo and Goderich division of the Grand Trunk Railway and the north shore of Lake Erie.

Motive power.

3. The said company is hereby authorized and empowered to run and operate the trains and carriages on said line and extension either by steam or electric power.

Acquiring water lots for wharves.

4. The said company is hereby authorized and empowered to purchase, lease, hold and own at any point where the railway or extension approaches any navigable waters, wharves, piers, docks, water lots and lands and in and over the waters

adjoining the same to build sheds, wharves, docks, piers, offices and other erections for the use of said company and the vessels owned, worked or controlled by the said company.

Power houses and repair shops.

5. The said company is hereby authorized and empowered to purchase, lease, hold and own lands at or near said railway or proposed extension or at various points at or near said railway or proposed extension, for the purposes of erecting and maintaining thereon a power house or power houses to generate electricity for the use of said company and also to erect repair shops or other buildings necessary for the operation of said railway and to sell said land, power houses or repair shops whenever deemed expedient by said company.

Parks.

6. The said company is hereby authorized and empowered to purchase, lease, hold and own lands, to be laid out in pleasure grounds, at various points along or adjacent to said railway and extension, or at either terminus, and to make sufficient improvements or suitable erections on said lands for the purposes of pleasure grounds, and to sell or lease any or all of said lands used for pleasure grounds whenever deemed expedient by said company.

Time for commencing and completing extension.

7. The said extension shall be commenced within three years and completed within five years after the passing of this Act.

Powers heretofore granted not affected.

8. Nothing in this Act shall be deemed to take away any of the powers and privileges heretofore enjoyed by said company and all the powers and privileges heretofore enjoyed by said company are hereby made applicable to said extension.

No. 7.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

Act respecting the Fort Erie Ferry Railway Company.

First Reading, 1895.

(Private Bill.)

Mr.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 7.] **BILL.** [1895.

Act respecting the Fort Erie Ferry Railway Company.

Preamble.

WHEREAS the Fort Erie Ferry Railway Company has by its petition prayed that an Act may be passed providing for certain amendments to the Act of the Legislature of the Province of Ontario passed in the 50th year of Her Majesty's reign, chaptered 76, incorporating the said Company and for an extension of the powers conferred upon the company thereby; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to increase capital stock to $150,000.

1. The said Fort Erie Ferry Railway Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding one hundred and fifty thousand dollars.

Extension of line to Port Colborne.

2. The said company is hereby authorized and empowered to extend, construct, maintain, complete and operate its railway and the extension pursuant to the powers contained in the said Act of incorporation and in this Act, from the present western terminus of the said railway in the township of Bertie, in the county of Welland, to a point in or near the village of Port Colborne in the said county of Welland, such extended line to run through the southern portions of the townships of Bertie and Humberstone between the Buffalo and Goderich division of the Grand Trunk Railway *Company of Canada* and the north shore of Lake Erie; ☞provided that all the provisions of *The Electric Railway Act, 1895*, save in so far as the same are inconsistent with the provisions of this Act shall apply to the extension hereby authorized.☜

Motive power.

3. The said company is hereby authorized and empowered to run and operate the trains and carriages on said line and extension either by steam or electric power.

Power houses and repair shops.

☞**4.** The said company is hereby authorized and empowered to puchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and sell and

convey such land as may be found superfluous for any such purpose.

Parks.

5. The said company is hereby authorized and empowered to purchase, lease, or acquire by voluntary donation, and hold for any estate in the same, and sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also that such park or pleasure grounds shall not be open to the public on the Lord's Day; and provided also that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided also that the said company shall not under this section have power to acquire any lands after the lapse of four years from the passing of this Act; and provided further that nothing in this section contained shall be deemed to enable the said company to carry on the general business of a land company.

Time for commencing and completing extension.

6. The said extension shall be commenced within three years and completed within five years after the passing of this Act.

Powers heretofore granted not affected.

7. Nothing in this Act shall be deemed to take away any of the powers and privileges heretofore enjoyed by *the* said company and all the powers and privileges heretofore enjoyed by the said company are hereby made applicable to *the* said extension, save in so far as such powers or privileges are inconsistent with the provisions of *The Electric Railway, Act 1895.*

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

Act respecting the Fort Erie Ferry Railway Company.

First Reading, 27th March, 1895.
Second Reading, 5th April, 1895.

(*Reprinted as amended by Railway Committee.*)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 8.] BILL. [1895.

An Act to incorporate the London and Springbank Electric Railway Company.

Preamble.

WHEREAS Henry A. Everett, Edward W. Moore, T. H. Smallman, Greene Pack and S. R. Break have petitioned that an Act may be passed incorporating them under the name of "The London and Springbank Electric Railway Company," and authorizing the construction, operation and maintenance of an electric railway from a point in or near the village of London West to a point on the River Thames near Springbank; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said Henry A. Everett, Edward W. Moore, T. H. Smallman, Greene Pack and S. R. Break, and such other persons and corporations as shall, in pursuance of this Act, become shareholders in the Company hereby incorporated are hereby constituted a body corporate and politic by the name of "The London and Springbank Electric Railway Company."

Application of certain provisions of Rev. Stat. c. 170.

2. The clauses of *The Railway Act of Ontario* and the amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "share- and their transfer," "shareholders," "municipalities taking stock," "by-laws; notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and shall form part of this Act, and shall apply to the said company and the railway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, or are hereinafter expressly excepted, and the expression "this Act" when used herein shall include the said clauses of *The Railway Act of Ontario*.

Rev. Stat. c. 170.

Corporate powers.

3. The said company shall have power and authority :—

(1) To construct, maintain and operate an electric railway from a point on or near the village of London West to a point on the river Thames near Springbank, aforesaid ;

(2) To construct and maintain at Springbank, aforesaid, a bridge over the said river ;

(3) To acquire, own, erect and manage an hotel and recreation grounds at or near Springbank, but the powers of expropriation in *The Railway Act of Ontario* shall not apply to this sub-section ;

Rev. Stat. c. 170.

Provisional directors.

4. The persons named in section 1 shall be and are hereby constituted a board of provisional directors of the said company, three to form a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to open stock books, and to procure subscriptions for the undertaking, and to call a general meeting of the shareholders for the election of directors as hereinafter provided.

Rights of aliens.

5. Aliens, as well as British subjects, and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Qualification of directors.

6. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

First general meeting for election of directors.

7. When and as soon as shares to the amount of $50,000 capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of London, of the time, place and purpose of the said meeting.

Election, term of office, quorum and powers of directors.

8. At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company in manner and qualified as hereinbefore described, which said directors shall constitute a board of directors, and

shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board.

Head office.

9. The head office of the said company shall be at the said city of London, and the general annual meetings of the shareholders of the said company shall be held in the said city of London, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of London during the four weeks preceding the week in which such meeting is to be held.

General annual meetings.

Special general meetings.

10. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Location of line.

11. The company may construct their railway upon and along the margin of the river Thames, and upon and over any private property in the village of London West, and in the townships of London and Westminster, and upon and along such portions of the streets and highways of the said village of London West and of the said townships, under and subject as to such streets and highways, to any agreement or agreements hereafter to be made between the company and the municipalities of London West, the township of London and the township of Westminster, or any or either of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities passed in pursuance thereof, but the company shall not have power to expropriate any property of the corporation of the city of London, except with their consent in writing first had.

Acquiring lands, etc.

12. In addition to the lands required for the use of the said railway the company may purchase, take or lease, or otherwise acquire along the route or at the terminus of said railway such lands, buildings and personal property as may be deemed sufficient by the directors of the company for power houses, workshops and offices, and also for an hotel and recreation grounds at or near Springbank, but the expropriation clause of *The Railway Act of Ontario* shall not apply to this section.

Bonds.

13. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of fifteen thousand dollars for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by chapter 45 of the Statutes passed in the 53rd year of the reign of Her

Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Mortgaging or pledging bonds.

14. The company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for construction of the said railway or otherwise.

Amalgamation with London Street R. Co'y.

15. The said company is authorized and empowered to make necessary arrangements to contract and agree with the London Street Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation, provided that the terms of such amalgamation are approved of by a two-thirds vote of the shareholders voting in person or represented by proxy at a special meeting to be called for that purpose in accordance with this Act.

Capital stock.

16. The capital of the company hereby incorporated shall be $100,000, to be divided into one thousand shares of one hundred dollars each, and so soon as $20,000 of stock is subscribed and ten per cent. paid thereon the company may commence operations and exercise the powers hereby granted.

Commencement and completion of railway.

17. The said railway shall be commenced within two years, and completed within three years from the passing of this Act.

Form of conveyance of land.

18. Conveyances of land to the said company for the purposes of this Act made in the form set forth in the Schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof.

SCHEDULE "A."

(*Section 18.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the London and Springbank Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purpose of their railway, to hold with the appurtenances unto the said the London and Springbank Electric Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 18 .

Signed, sealed and delivered in presence of } [L.S.]

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the London and Springbank Electric Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 8.] **BILL.** [1895.

An Act relating to the London Street Railway Company.

Preamble.

WHEREAS The London Street Railway Company, hereinafter called "the company" was duly incorporated by the Act passed by the Legislature of Ontario in the 36th year of Her Majesty's reign, chap. 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete, and operate a double or single iron railway, with the necessary side-tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the municipality of the city of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities; and whereas the company has been duly organized and have built portions of their railway in the city of London and in the village of London west; and whereas the company are now desirous of extending their said railway to a point at or near Springbank on the river Thames in the township of Westminster; and whereas for the purposes of so extending their said railway the company are desirous of constructing the same upon, over and along private property in the village of London west and in the townships of London and Westminster; and whereas the company are also desirous of constructing and maintaining at Springbank aforesaid a bridge over the said river, and of acquiring, owning, erecting and managing an hotel and recreation grounds at or near Springbank; and whereas Henry A. Everett, Edward W. Moore, T. H. Smallman, Greene Pack and S. R. Break have petitioned for incorporation, and for an Act authorizing the construction, operation and maintenance of a railway from a point in or near the village of London West, to a point on the river Thames near Springbank; and whereas the said Henry A. Everett, Edward W. Moore, T. H. Smallman, Greene Pack and S. R. Break were and still are the directors of the company; and whereas it is expedient to grant to the said company the powers hereinafter conferred upon them and to enable the company to extend its said railway and works as hereinafter provided;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Location of line.

1. The company may construct, maintain, complete and operate their railway upon, over and along any lands which may be acquired by them for that purpose in the village of London West, and in the townships of London and Westminster, but the company shall not have power to expropriate any property belonging to the corporation of the city of London except with the consent by by-law of the corporation of the city of London first had and obtained and subject to any terms and conditions contained in such by-law which the said corporation are hereby authorized to make.

Powers of company.

2. The company shall also have power and authority :

(1) To construct and maintain at Springbank aforesaid or at any other point upon the said river as may be necessary, a bridge or bridges over the said river, provided that no bridge shall be constructed or erected upon any portion of the property of the corporation of the city of London without the consent by by-laws of the said corporation and of the water commissioners for the city of London being first had and obtained ; provided also that the company shall not, by any bridge or otherwise, impede the free navigation and flow of the river Thames or impair or interfere with any of the rights or privileges of the said corporation or of the water commissioners for the city of London now or hereafter acquired.

(2) To acquire, own, erect and manage an hotel at or near Springbank ; provided always, that such hotel shall not, nor shall any of its owners, proprietors, lessees or tenants thereof, or any other person, firm or corporation be entitled to receive, or receive any license to sell spirituous or fermented liquors or any license under *The Liquor License Act* or any Act amending the same or substituted therefor.

Rev. Stat. c. 194.

Railway not to interfere with other services.

3. The said company shall construct, maintain and operate the extension of their system hereby authorized without causing any injury to or interference with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or other service now or hereafter having the use of or being operated in, upon or under any of the highways of the said townships and shall be liable for all damages arising out of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means to prevent any injury or interference as aforesaid, and should the company fail to adopt and use such means the said corporations of the said townships or either of them may adopt and use the same and charge the cost thereof to the said company, who shall pay the same to the said corporations or corporation on demand.

Incorporation of certain provisions of Electric Railway Act.

4. Sub-section 11 of section 9, and sections 18 and 87 of *The Electric Railway Act, 1895*, and all the sections relating to "plans and surveys," and "lands and their valuation," are incorporated with and shall form part of this Act, and shall apply to the company and portions of the railway hereby authorized to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, but except as to the said clauses *The Electric Railway Act, 1895*, and the several clauses thereof shall not be deemed to be incorporated with or form part of the Act of incorporation of the company or of this Act.

Wires not to be connected with water pipes.

5. The company shall not in any case connect any of their wires with the water pipes or service pipes of the corporation of the city of London or of the water commissioners for the city of London or with any appliances in connection therewith without the consent in writing of the said corporations, and the company shall and will at their own expense remove such connections when required to do so by the said corporations or either of them, and shall and will pay to the said corporations all loss, damage and expense that the said corporations or either of them may have incurred or may be put to or incur by reason of the said connections having been made.

Operating on Pipe Line Road.

6. The company shall not construct or operate its railway upon the Pipe Line Road in the said township of Westminster without the consent by by-law of the corporation of the city of London being first had and obtained and subject to any terms and conditions contained in such by-law.

Act not to apply to part of line in London or London West.

7. Nothing in this Act contained shall apply to that portion of the railway of the company which is situate within the limits of the city of London or the village of London West or affect any agreement made between the company and the said corporations or either of them.

Time for commencement and completion.

8. The said railway shall be commenced within two years and completed within three years from the passing of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act relating to the London Street Railway Company.

First Reading, 7th March, 1895.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.)

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 9.] **BILL.** [1895.

An Act respecting the Town of Prescott.

Preamble.

WHEREAS the corporation of the town of Prescott have by their petition represented that a certain company known as The Prescott Elevator Company (Limited), incorporated under *The Companies' Act*, by letters patent under the great Seal of the Dominion of Canada propose to erect the necessary buildings and machinery for the purpose of carrying on their business and operations as defined in the said letters patent, within the limits of said town, and for that purpose require to use the lands, and lands covered with water within the said town of Prescott particularly described in the schedule hereto annexed; and have further represented that by the closing up and removal of the workshops of The St. Lawrence and Ottawa Railway Company and The St. Lawrence Manufacturing Company, and other causes, disastrous loss to the town has resulted, and many of the inhabitants of the said town have been thrown out of employment, but will be employed and be otherwise benefited by reason of the establishment of the said industrial enterprise; and whereas, for a reasonable and sufficient length of time, prior to the holding of the municipal elections in the said town for the year 1895, ample notice was given of the intention of the said corporation to apply for the power to grant the aid to the said elevator company hereinafter mentioned, and that a poll would be opened on said election day for the purpose of taking the votes of the ratepayers entitled to vote on by-laws creating debts under *The Consolidated Municipal Act 1892*, 55 V. c. 42. and ballots were provided at said election, and a poll-book prepared containing the names of all persons entitled to vote on such by-laws, amounting to 453 names of persons so entitled; and at said elections and poll 336 persons so entitled to vote polled their votes in favor of the proposition to grant such aid, and only 3 persons so entitled to vote recorded their votes against said proposition, showing as a result that more than two-thirds of said ratepayers were in favor of the legislation and aid proposed; and whereas, the said corporation have by their said petition prayed that, in order to repair the said loss and to furnish employment to the said inhabitants, special powers may be given to the said corporation to enable them to secure the establishment within the said town of

Prescott of the said works of the said company; and whereas, the circumstances of the said town of Prescott, for the reasons aforesaid, are exceptional, and the expression of opinion of said ratepayers nearly unanimous and the enterprise of said company a new one; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Purchasing lands and granting same to company.

1. It shall be lawful for the corporation of the town of Prescott to purchase property within the said town and to grant the same or cause the same to be granted by way of bonus to the said company, provided the aggregate sum required to purchase said property does not exceed the sum of $6,000, and to exempt from taxes, rates and assessments, both school, municipal and special, for a period not exceeding twenty years the whole property of the said company.

Exempting from taxation.

Granting money in lieu of land.

2. In lieu of said purchase and grant of property, it shall be lawful for the said corporation to give, grant and pay over to the said company a sum of money not exceeding $6,000, or if the sum paid for said property does not amount to $6 000 the said corporation may supplement the same by gift a d payment over of the difference in money between the amount paid for the said property and the said sum of $6,000, and at the same time give the exemption from taxation aforesaid, and to do all other acts in the premises, as if the power to grant bonuses was still vested in the municipalities.

Expropriation of lands for site for company's buildings.

3. The said corporation of the town of Prescott, their engineers, surveyors, servants and workmen from time to time, and at such times as the said corporation shall see fit, may enter into and upon the lands and lands covered with water or any of them, or any part or parts thereof respectively described in the schedule hereunto annexed, and may survey, set out, and ascertain such parts or the whole thereof as may be required for the purpose of the said enterprise, and appropriate the same, and may contract with the owners or occupiers of the said land or lands covered with water, and those having the right or interest therein for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the said enterprise at the option of the said corporation.

Determining compensation for lands taken.

4. In case of any disagreement between the corporation and the owners or occupiers or any other person interested in such lands, and lands covered with water, or any person having an interest therein respecting the amount of purchase or yearly rental or value thereof, or as to the damages such

appropriation will cause or otherwise, the same shall be decided by arbitration in accordance with the provisions of *The Consolidated Municipal Act 1892*, and *The Municipal Water Works Act*, and the provisions of the said Acts, or either of them, with respect to the expropriation of lands and waters, shall apply to the exercise of the powers conferred upon the said corporation by this Act. 55 V. c. 42. Rev. Stat., c. 192.

5. It shall not be necessary to obtain the assent of the electors of the said town of Prescott for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892* with regard to by-laws for the creating of debts. Assent of electors not required. 55 V. c. 42.

6 Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures, and the time and manner of repayment of the same, shall apply and be read as part of this Act. Applications of provisions of 55 V. c. 42.

SCHEDULE.

1. The water lot in front of Mr. Purkis' lot number 7, on the south side of Water street, having a frontage of 60 feet or thereabouts.

2. The water lot in front of Mr. Buckly's lot number 6, on the south side of Water street, having a frontage of 65 feet or thereabouts.

3. The whole of the Farlinger property including the water lot in front thereof, being lot number 5 on the south side of Water street, having a frontage of 66 feet more or less.

4. All the south end of Edward street lying south of the south side of Water street, together with the water lot in front thereof.

5. The whole of Mr. Horwood's property, being lots numbers 2, 3 and 4 on the south side of Water street, and the water lots in front thereof, having a frontage of 270 feet more or less.

6. The water lot in front of lot number 1 on the south side of Water street, owned by the Walsh estate, and having a frontage of 50 feet more or less.

7. The water lot in front of the south end of East street, having a frontage of 66 feet more or less.

No. 9.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Prescott.

First Reading 1895.

(Private Bill.)

Mr. BUSH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 9.] **BILL.** [1895.

An Act respecting the Town of Prescott.

Preamble. WHEREAS the corporation of the town of Prescott have by their petition represented that a certain company known as The Prescott Elevator Company (Limited), incorporated under *The Companies' Act*, by letters patent under the great Seal of the Dominion of Canada propose to erect the necessary buildings and machinery for the purpose of carrying on their business and operations as defined in the said letters patent, within the limits of said town, and have further represented that by the closing up and removal of the workshops of The St Lawrence and Ottawa Railway Company and The St. Lawrence Manufacturing Company, and other causes, disastrous loss to the town has resulted, and many of the inhabitants of the said town have been thrown out of employment, but will be employed and be otherwise benefited by reason of the establishment of the said industrial enterprise; and whereas, for a reasonable and sufficient length of time, prior to the holding of the municipal elections in the said town for the year 1895, ample notice was given of the intention of the said corporation to apply for the power to grant the aid to the said elevator company hereinafter mentioned, and that a poll would be opened on said election day for the purpose of taking the votes of the ratepayers entitled to vote on by-laws creating debts under *The Consolidated Municipal Act 1892*, 55 V. c. 42. and ballots were provided at said election, and a poll-book prepared containing the names of all persons entitled to vote on such by-laws, amounting to 453 names of persons so entitled; and at said elections and poll 336 persons so entitled to vote polled their votes in favor of the proposition to grant such aid, and only 3 persons so entitled to vote recorded their votes against said proposition, showing as a result that more than two-thirds of said ratepayers were in favor of the legislation and aid proposed; and whereas, the said corporation have by their said petition prayed that, in order to repair the said loss and to furnish employment to the said inhabitants, special powers may be given to the said corporation to enable them to secure the establishment within the said town of Prescott of the said works of the said company; and whereas, the circumstances of the said town of Prescott, for the reasons aforesaid, are exceptional, and the expression of opinion of

said ratepayers nearly unanimous and the enterprise of said company a new one; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Purchasing lands and granting same to company.

1. It shall be lawful for the corporation of the town of Prescott to purchase property within the said town and to grant the same or cause the same to be granted by way of bonus to the said company, provided the aggregate sum required to purchase said property does not exceed the sum of $6,000, and to exempt from taxes, rates and assessments, both school, municipal and special, for a period not exceeding twenty years the whole property of the said company.

Exempting from taxation.

Granting money in lieu of land.

2. In lieu of said purchase and grant of property, it shall be lawful for the said corporation to give, grant and pay over to the said company a sum of money not exceeding $6,000, or if the sum paid for said property does not amount to $6,000 the said corporation may supplement the same by gift and payment over of the difference in money between the amount paid for the said property and the said sum of $6,000, and at the same time give the exemption from taxation aforesaid, and to do all other acts in the premises, as if the power to grant bonuses was still vested in the municipalities.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the electors of the said town of Prescott for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892* with regard to by-laws for the creating of debts.

55 V. c. 42.

Applications of provisions of 55 V. c. 42.

4. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures, and the time and manner of repayment of the same, shall apply and be read as part of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Prescott.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. BUSH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 10.] **BILL.** [1895.

An Act respecting the Debt of the Town of Woodstock.

Preamble.

WHEREAS the corporation of the town of Woodstock, in the county of Oxford, has, exclusive of local improvement debentures an outstanding debenture debt amounting to three hundred and eighty-eight thousand four hundred and fifty seven dollars; and whereas the said debt was contracted from time to time for the promotion of railways, the encouragement of manufactures, the building of schools, waterworks and other public works within the said town; and whereas the amount to be raised yearly on behalf of the said debenture debt for interest and sinking fund aggregates the sum of thirty thousand eight hundred dollars, and in addition to which a further sum has to be raised for the share of the said town under the by-laws of the county of Oxford for building a court house and house of refuge for the said county; and whereas the sinking fund for the payment of the above debenture debt has been raised from year to year and now amounts to the sum of one hundred and nineteen thousand dollars; and whereas there is now outstanding a floating debt of seven thousand dollars for which no provision has been made; and whereas the yearly charge on the ratable property of the said town to meet the said debt together with necessary annual expenses of the said town is too burdensome on the present ratepayers; and whereas the said corporation has by its petition prayed that an Act may be passed to empower the said corporation to issue debentures, not exceeding seven thousand dollars in any one year for the next ten succeeding years, including the year 1895, to meet a portion of the said debenture debt, and also to issue a debenture for the further sum of seven thousand dollars to pay off the floating debt above referred; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures for $7,000 in each year for ten years.

1. The corporation of the town of Woodstock may from time to time, during each of the ten years beginning with the year one thousand eight hundred and ninety-five and ending with the year nineteen hundred and four, both inclusive, pass

by-laws authorizing the issue of new debentures of the said town for any amount not exceeding in any one year the sum of seven thousand dollars, payable in thirty years from their respective dates, for the purpose of retiring or renewing a portion of the debentures now outstanding against the town of Woodstock, or placing the same to the credit of the sinking fund, and of paying the whole or any part of the share of the said county debt falling due within the year within which such county debts shall become payable as aforesaid, the same to bear interest at the rate five per centum per annum, payable yearly, and to be in such sums, and either in Canadian or sterling currency, and payable at such places in Ontario, Canada or Great Britain, as the council of the said corporation shall deem best, and it shall not be necessary to obtain the assent of the electors of the said town nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act, 1892*, or under any other Act now or hereafter to be in force in this Province for the passing of the said by-laws; and provided further that the said new debentures to be issued under this Act and all moneys arising from their sale shall, to the full extent thereof, be applied to the sinking fund for the purpose of retiring and redeeming the said outstanding debentures so maturing in the first instance and the said share of the said town of the said county debt.

55 V., c. 42

Proviso.

Power to issue debentures for $7,000 to pay floating debt.

2. It shall be lawful for the said corporation, without the consent of the electors of the said town to the passing thereof or of the Lieutenant-Governor as aforesaid, to pass a by-law or by-laws authorizing the issue of debentures for an amount not exceeding seven thousand dollars, payable thirty years from the date thereof, in like form and manner as the first named debentures hereby authorized may be issued, for the purpose of paying the said unprovided for floating debt, and the proceeds thereof shall be applied to that purpose only.

Estimated interest on investment of sinking fund.

3. In settling the sum to be raised annually for the payment of all the said new debenture debt, the rate of interest on the investment of the sinking fund shall not be estimated at more than four per centum per annum, to be capitalized yearly, and to such extent the rate of interest on such investments may be so estimated by the said council.

Debenture accounts.

4. The treasurer of the said town, for the time being, shall keep a separate account of the two sets of debentures hereby authorized to be issued and of the rates directed to be levied in respect thereof, and shall not pay over any portion of the said rates except to the credit of the sinking fund, for the purpose of paying principal in respect of the debts of, or debentures in respect of which, such rates shall be raised as aforesaid; and no by-law or resolution of the said council shall be any protection to the said treasurer for any disobedience by him of this enactment.

Application of provisions of 55 V., c. 42.

5. Except as is herein provided the said by-laws shall be passed and the debentures thereunder to be issued shall be issued and the duties of the officers of the said corporation in respect thereto shall be in accordance with the provisions of of the said *Consolidated Municipal Act, 1892*, as now existing.

Annual special rate.

6. Any by-law or by-laws so to be made shall contain provisions for the levying in each year during the currency of the debentures thereby authorized to be issued of an equal annual special rate on all the assessable real and personal property within the said town sufficient to pay the yearly interest payable on such debentures, and to provide a sinking fund sufficient to pay off the principal of said debentures when they shall fall due, and such rate shall be so levied as therein provided in like manner as other rates.

Rights of creditors of town preserved.

7. Nothing in this Act contained shall relieve the said corporation of the town of Woodstock from its liability to the holders of the said now outstanding debentures or shall impair the obligation of the said corporation to pay the said outstanding debentures according to their tenor and effect.

No. 10.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Debt of the Town of Woodstock.

First Reading, 1895.

(Private Bill.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 10.] **BILL.** [1895.

An Act respecting the Debt of the Town of Woodstock.

Preamble.

WHEREAS the corporation of the town of Woodstock, in the county of Oxford, has, exclusive of local improvement debentures an outstanding debenture debt amounting to three hundred and eighty-eight thousand four hundred and fifty seven dollars; and whereas the said debt was contracted from time to time for the promotion of railways, the encouragement of manufactures, the building of schools, waterworks and other public works within the said town; and whereas the amount to be raised yearly on behalf of the said debenture debt for interest and sinking fund aggregates the sum of thirty thousand eight hundred dollars, and in addition to which a further sum has to be raised for the share of the said town under the by-laws of the county of Oxford for building a court house and house of refuge for the said county; and whereas the sinking fund for the payment of the above debenture debt has been raised from year to year and now amounts to the sum of one hundred and nineteen thousand dollars; and whereas there is now outstanding a floating debt of seven thousand dollars for which no provision has been made; and whereas the yearly charge on the ratable property of the said town to meet the said debt together with necessary annual expenses of the said town is too burdensome on the present ratepayers; and whereas the said corporation has by its petition prayed that an Act may be passed to empower the said corporation to issue debentures, not exceeding seven thousand dollars in any one year for the next ten succeeding years, including the year 1895, to meet a portion of the said debenture debt, and also to issue a debenture for the further sum of seven thousand dollars to pay off the floating debt above referred *to*, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures for $7,000 in each year for ten years.

1. The corporation of the town of Woodstock may from time to time, during each of the ten years beginning with the year one thousand eight hundred and ninety-five and ending with the year nineteen hundred and four, both inclusive, pass

by-laws authorizing the issue of new debentures of the said town for any amount not exceeding in any one year the sum of seven thousand dollars, payable in thirty years from their respective dates, for the purpose of retiring or renewing a portion of the debentures now outstanding against the town of Woodstock, or placing the *said sum* to the credit of the sinking fund, and of paying the whole or any part of the share of the said county debt falling due within the year within which such county debts shall become payable as aforesaid, the same to bear interest at *a* rate *not exceeding* five per centum per annum, payable yearly, and to be in such sums, and either in Canadian or sterling currency, and payable at such places in Ontario, Canada or Great Britain, as the council of the said corporation shall deem best, and provided further that the said new debentures to be issued under this Act and all moneys arising from their sale shall, to the full extent thereof, be applied to the sinking fund for the purpose of retiring and redeeming the said outstanding debentures so maturing in the first instance and the said share of the said town of the said county debt.

Proviso.

Power to issue debentures for $7,000 to pay floating debt.

2. It shall be lawful for the said corporation to pass a by-law or by laws authorizing the issue of debentures for an amount not exceeding seven thousand dollars, payable *twenty* years from the date thereof, in like form and manner as the first named debentures hereby authorized may be issued, for the purpose of paying the said unprovided for floating debt, and the proceeds thereof shall be applied to that purpose only.

Estimated interest on investment of sinking fund.

3. In settling the sum to be raised annually for the payment of all the said new debenture debt, the rate of interest on the investment of the sinking fund shall not be estimated at more than four per centum per annum, to be capitalized yearly, and to such extent the rate of interest on such investments may be so estimated by the said council.

Debenture accounts.

4. The treasurer of the said town, for the time being, shall keep a separate account of the two sets of debentures hereby authorized to be issued and of the rates directed to be levied in respect thereof, and shall not pay over any portion of the said rates except to the credit of the sinking fund, for the purpose of paying principal in respect of the debts of, or debentures in respect of which, such rates shall be raised as aforesaid; and no by-law or resolution of the said council shall be any protection to the said treasurer for any disobedience by him of this enactment.

Application of provisions of 55 V., c. 42.

5. Except as is herein provided the said by-laws shall be passed and the debentures thereunder to be issued shall be issued and the duties of the officers of the said corporation in respect thereto shall be in accordance with the provisions of of the said *Consolidated Municipal Act, 1892*, as now existing.

Annual special rate.

6. Any by-law or by-laws so to be made shall contain provisions for the levying in each year during the currency of the debentures thereby authorized to be issued of an equal annual special rate on all the assessable real and personal property within the said town sufficient to pay the yearly interest payable on such debentures, and to provide a sinking fund sufficient to pay off the principal of said debentures when they shall fall due, and such rate shall be so levied as therein provided in like manner as other rates.

Assent of electors not required.

55 V. c. 42.

7. It shall not be necessary to obtain the assent of the electors of the said town of Woodstock to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

Rights of creditors of town preserved.

8. Nothing in this Act contained shall relieve the said corporation of the town of Woodstock from its liability to the holders of the said now outstanding debentures or shall impair the obligation of the said corporation to pay the said outstanding debentures according to their tenor and effect.

No. 10.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Debt of the Town of Woodstock.

First Reading, 5th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11.] **BILL.** [1895.

An Act to separate certain lands from the Town of St. Marys.

Preamble.

WHEREAS the lands hereinafter described now form part of the town of St. Marys, in the county of Perth, and were included within the boundaries thereof when the said town was incorporated in the year 1864, when it was expected that the increase in the population of the said town would have been more rapid than it has been, and such expectations have not been realized; and whereas there is no prospect of the said lands being available for any other use than farm lands, and the value thereof has become unduly depreciated by being subjected to town taxes instead of the usual rate imposed by a rural municipality upon farm lands, and the annual burthen of such town rates is greater than can justly be thrown upon farm lands and greater than such lands can bear; and whereas the owners of the said lands have since the incorporation of the said town paid in taxes levied thereon, large sums that have gone directly to the benefit of the strictly urban part of the said town, and very trifling sums have been expended of any direct benefit to the said lands or any of them; and whereas the payments already made by the said owners in the shape of taxes, beyond school rates and taxes from which the said lands or their owners as such have reaped in common with the other ratepayers of said town any benefit, in the aggregate exceed the share of the town debt that otherwise might fairly be chargeable against said lands; and whereas it would be unjust to continue the said lands longer as part of the said town; and whereas the owners of the said lands, have by their petition prayed that the said lands may be separated from the said town and annexed to the township of Blanshard; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands separated from the town of St. Marys and annexed to township of Blanshard.

1. The following lands and premises, being the north parts of lots twelve, thirteen, fourteen and fifteen, abutting on the south boundary of the township of Blanshard, in the said town of St. Marys; lots twenty-one and twenty-two in the seven-

teenth concession of the township of Blanshard, now town of St. Marys; lots twenty-one and twenty-two in the eighteenth concession of said township of Blanshard, now town of St. Marys; lot thirty-six, Thames concession of said township of Blanshard, now town of St. Marys; those parts of lot thirty-five in said Thames concession lying south-easterly of Water street, in the said town of St. Marys; that portion of lot twenty-five in said Thames concession lying south of Elgin street, in said town of St. Marys; those parts of lot seventeen in the fifteenth concession of said township and lots nineteen, twenty and twenty-one of said Thames concession lying north of the Grand Trunk Railway Company's track in said town, and the south parts of lots sixteen and seventeen in said Thames concession, now in the town of St. Marys, all formerly in said township of Blanshard, be and the same are hereby separated from the said town of St. Marys and annexed to the township of Blanshard in the county of Perth, and shall henceforth be and form part of said municipality of Blanshard.

No. 11.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to separate certain lands from the Town of St. Marys.

First Reading, 1895.

(Private Bill.)

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11.] BILL. [1895

An Act to legalize and confirm By-law No. 10 of 1895 of the Town of St Mary's regulating a fixed Rate of Taxation for Farming Lands in said Town.

WHEREAS, a petition was presented to the Legislative Assembly of the Province of Ontario, praying that certain farm lands should be separated from the town of St. Mary's and annexed to the township of Blanshard; and whereas, a Bill was introduced to said Assembly to separate said farm lands from the town of St. Mary's and annex the same to the township of Blanshard; and whereas, on the consideration of said Bill an arrangement and agreement was entered into between the town of St. Mary's and the owners of farm lands therein as set out in the by-law passed by the municipal council of the said town of St. Mary's, numbered 10, A.D. 1895, and being schedule A to this Act; and whereas, the parties interested and the said municipal council have prayed that an Act may be passed to confirm and legalize said by-law; and whereas, it is expedient to grant the prayer of said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law No. 10, A.D. 1895, of the town of St. Mary's, as set out in schedule A hereto, shall be, and the same is hereby confirmed and declared legal and valid and binding upon the parties owning farm lands as set out in said by-law, and upon the said town of St. Mary's, notwithstanding anything contained in any law to the contrary.

SCHEDULE A.

By-Law No. 10, A.D. 1895.

To provide a fixed rating for lands used as farm lands only within the Town of St. Mary's.

Whereas, a Bill was presented to the Legislative Assembly of the Province of Ontario, for excluding and detaching from the town of St. Mary's and annexing to the township of Blanshard, in the county of Perth, the following lands and premises, being the north part of lots twelve, thirteen, fourteen and fifteen, abutting on the south boundary of the township of Blanshard, in the said town of St. Mary's; lots twenty-one and twenty-two, in the seventeenth concession of the township of Blanshard, now town of St. Mary's; lots twenty-one and twenty-two in the eighteenth concession of said township of Blanshard, now town of St. Mary's; lot thirty-six, Thames concession, of said township of Blanshard, now town of St. Mary's; those parts of lot thirty-five in said Thames concession lying southeasterly of Water street in the said town of St. Mary's; that portion of lot twenty-five in said Thames concession lying south of Elgin street in said town of St. Mary's; those parts of lot seventeen in the fifteenth concession of said township, and lots nineteen, twenty and twenty-one of said Thames concession, lying north of the Grand Trunk Railway Company's track in said town, and the south part of lots sixteen and seventeen in said Thames concession, now in the town of St. Mary's, all formerly in said township of Blanshard;

And whereas, consideration of the said Bill coming up before the Private Bills Committee of the said Legislative Assembly on the 20th day of March, 1895, the promoters of said Bill and the council of said town were heard;

And whereas, thereafter it was arranged and agreed between those of the promoters in charge of said Bill and the delegation of the council of the town of St. Mary's, appointed by council, to oppose the said Bill as follows:—

(1) That the lands mentioned in said Bill and all other lands in the said town of St. Mary's held and used as farm lands only and in blocks of not less than twenty-five acres should hereafter while used as farm lands only be rated in manner following, namely:—

(*a*) For general town purposes not more than $3\frac{1}{2}$ mills on the dollar.

(*b*) For the payment of the present debenture debt of the town, the same rate as may from time to time be required and be levied upon other assessed property of the town.

(*c*) And for public school, separate school and collegiate institute purposes, the same rate as may from time to time be required and be levied upon the other assessed property of the town.

And that no further or other rate be levied on said land by the council of the town of St. Mary's.

(2) That the said lands should be wholly exempt from taxation for the payment of any future debenture debt of the said town of St. Mary's, except such as is contracted for school purposes, or for the renewal or consolidation of the present existing debenture debt or some part thereof.

Provided always, in case of renewal or consolidation of said existing debenture debt or some portion thereof, such renewal or consolidation shall be kept separate and distinct from any other debt of said town, and such renewal or consolidation shall not be for a period longer than twenty years from the time of such renewal or consolidation.

(3) That the rate hereby given, the said lands should not be lessened by any of the exemptions mentioned in section 7*a* of *The Consolidated Assessment Act 1892*.

(4) That no owner or lessee of any such land should have the right in respect of such lands to vote upon any by-law creating or contracting any future debenture debts, except such as are for school purposes, or for the renewal or consolidation of the present existing debenture debt or some part thereof, as aforesaid.

And whereas upon consideration of said bill coming up before said Private Bills Committee on the 21st day of March, 1895, it was suggested to and agreed upon by the parties to the said arrangement that the same would be more readily effected by a by-law of the said town of St. Mary's to be ratified and confirmed by the said Legislative Assembly;

And whereas the owners of all lands intended to be benefited hereby have agreed to accept the said arrangement;

Be it therefore enacted by the municipal council of the town of St. Mary's:—

1. That all lands in the said town of St. Mary's while held and used as farm lands only, and in blocks of not less than twenty-five acres, shall from the date of the passing hereof be rated upon the assessed value thereof as follows:—

(*a*) For expenditure for general town purposes not more than 3½ mills on the dollar.

(*b*) For the payment of the present debenture debt of the town, the same rate as is required and is from time to time levied upon other town property.

(*c*) And for expenditure for public school, separate school and collegiate institute purposes, the same rate as is required and is from time to time levied upon other town property.

And that no further or other rate be levied on said lands by the council of the said town of St. Mary's.

2. That the said lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future

debenture debt of said town, except such as is contracted for school purposes or for the renewal or consolidation of the present existing debenture debt, or some part thereof.

Provided always that in case of renewal or consolidation of said existing debenture debt, or some portion thereof, such renewal or consolidation shall be kept separate and distinct from any other debt of said town, and such renewal or consolidation shall not be for a period longer than twenty years from the time of such renewal or consolidation.

(3) That the rate hereby given said lands mentioned in clause 1 hereof shall not be lessened by any of the exemptions mentioned in section 7*a* of *The Consolidated Assessment Act 1892*.

(4) That no owner or lessee of any such land mentioned in clause 1 hereof, shall in respect of such lands, have the right to vote upon any by-law for the creating or contracting any future debenture debt except such as is for school purposes or for the renewal or consolidation of the present existing debenture debt or some part thereof, as aforesaid.

Read a 1st time the 28th day of March, 1895.
Read a 2nd time the 28th day of March, 1895.
Read a 3rd time and passed the 28th day of March, 1895.

(Sgd) W. C. MOSCRIP,
Mayor of St. Mary's.

{Seal of corporation of town of St. Mary's.}

(Sgd) L. HARSTONE,
Clerk, Town of St. Mary's.

No. 11.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to legalize and confirm By-law No. 10 of 1895 of the Town of St. Mary's regulating a fixed Rate of Taxation for Farming Lands in said Town.

First Reading, 14th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. WOOD.

TORONTO:
PRINTED BY L. K CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 12.] **BILL.** [1895.

An Act to separate certain lands from the City of Stratford.

WHEREAS the lands hereinafter described now form part of the city of Stratford, in the county of Perth, by reason of having been inconsiderately included within the boundaries of the village of Stratford, as part of such village, when the same was incorporated in the year 1853, when it was anticipated that the growth of the said village might be more rapid than it has been and the said lands might, within a reasonable period, become residential property, and such anticipations have not been realized, and the conditions of development have proved vastly different from what may have made it seem just to include said lands within the said village; and whereas there is now only and never has been but one dwelling house upon said lands, and there is no prospect of the said lands being available for many years to come, if ever, for any other purpose than farm lands; and whereas the owner of the said lands has during the said period expended over two thousand dollars in permanent improvements, still existing thereon and benefiting said lands, and said lands therewith cannot now be sold, even if separated from said city and annexed to the township of Downie, for more than the price paid therefor by the said owner seventeen years ago, and cannot be sold for any purpose but farm lands, and that, whilst subject to city taxes only at the sacrifice of a very large sum below their intrinsic value as farm lands subjected to the usual rates imposed by a rural municipality; and whereas the owner of the said lands has during the past seventeen years of ownership thereof, by payment of taxes levied thereon during the said period paid over the sum of eighteen hundred dollars, of which five hundred dollars has been paid on account of debenture debt, and seven hundred and fifty dollars for general expenditure, exclusive of all school taxes and county rates, and there has not been expended by the corporation of Stratford, upon roads or public works directly benefiting said lands during the said period one hundred dollars in all; and whereas there has been already thus contributed by the said owner by the payment in said taxes, sums beyond the school rates and taxes from which the said lands, or their owner as such, has reaped

Preamble.

in common with other ratepayers of said city any benefit that in the aggregate far exceed the share of the city debt that otherwise might be fairly chargeable against said lands, and such share of the city debt has been in fairness and justice discharged thereby, and liability therefor should now be extinguished; and whereas it would be unjust to continue the said lands longer as part of the said city, and whereas the owner of the said lands has by his petition prayed that the said lands may be separated from the said city and annexed to the said township of Downie ; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Certain lands detached from the city of Stratford and annexed to township of Downie.

1. The following lands and premises, being all that part of lot number three in the second concession of the township of Downie, now in the city of Stratford, and which may be described by metes and bounds as follows: Commencing at the southwesterly angle of said lot, and running northerly along the westerly boundary of said lot to the northerly boundary thereof, thence easterly along said northerly boundary to a point distant five chains, fifty-eight and a half links from the northeasterly angle of said lot, thence southerly and parallel with the easterly boundary of said lot, eleven chains to a point, thence easterly parallel with the northerly boundary of said lot to the said easterly boundary, thence southerly along said easterly boundary of said lot to the road between the second and third concessions of Downie, aforesaid, thence along the northerly side of said road to the place of beginning—are hereby separated from the said city of Stratford, and annexed to the township of Downie in the county of Perth, and shall henceforth be and form part of the said municipality of the township of Downie.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to separate certain lands from the City of Stratford.

First Reading, 1895.

(Private Bill.)

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 12.] **BILL.** [1895.

An Act respecting the City of Stratford.

Preamble.

WHEREAS John Idington, owner of that part of lot number three in the second concession of Downie, now in the city of Stratford, and which may be described by metes and bounds as follows, commencing at the northwesterly angle of said lot and running northerly along the westerly boundary thereof to the northerly boundary thereof, thence easterly along said northerly boundary to a point distant five chains, fifty-eight and a half links from the northeasterly angle of said lot, thence southerly and parallel with the easterly boundary of said lot, eleven chains to a point, thence easterly parallel with the northerly boundary of said lot to the easterly boundary thereof, thence southerly along said easterly boundary to the southerly boundary of said lot, and thence westerly along said southerly boundary to the place of beginning, and wholly used as farm lands, has applied to the Legislative Assembly of Ontario to have same separated from the city and annexed to the township of Downie, and in lieu of such relief from unfair taxation, has agreed with the council of said city to accept the relief furnished by their by-law, No. 585, enacting that said lands shall only be liable to be taxed for their proper share of the present debenture debt of said city, the public or separate school rates as the case may be, with collegiate institute rates and a rate not exceeding three and a half mills on the dollar of their assessed value for all other purposes and shall not be liable for or in respect of any future indebtedness unestimated in the contracting of any such debt as part of the assessable value of said city, that however when any parts of such lands shall become divided up and held by owners in parcels less than twenty-five acres or be not used for farm purposes, the parts so divided up or ceasing to be used for farm purposes shall become liable to the general taxation of the city in common with other than farm lands, that no owner of said farm lands shall in respect thereof thus specially rated be entitled to vote on any money by-law; and whereas the said city council have petitioned for the confirmation of said by-law and to be empowered to pass similar by-laws, limiting the general rate as justice may require for general purposes to a minimum of three and a half

mills on the dollar, or any other up to a maximum of seven mills instead of as fixed in said by-law 585, and it is deemed expedient to grant the prayer of the said petitioners ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No. 585 confirmed.

1. The said by-law No. 585, a copy of which is set forth in the schedule A hereto, is hereby confirmed and declared valid and binding.

Special rates upon farm lands.

2. The council of said city may upon the application of any owner or owners of lands held and used as farm lands only in the said city, and in blocks of not less than twenty-five acres owned by any one person or hereafter from time to time, pass by-laws providing for the special rating thereof for their proper share of the then debt of said city, and the public or separate school rates, as the case may be, with collegiate institute rates, and such special general rate for all other purposes in each case as may be just of a minimum rate of three and a half, and maximum rate of seven mills on the dollar, on the assessed values and exemption of such lands from any debenture indebtedness which may thereafter be incurred.

When lands are divided.

3. Whenever any such lands shall become divided and held in parcels of less than twenty-five acres, or not used for farm purposes, the parts so divided or ceasing to be farm lands shall become liable to the general taxation of the city in common with other than farm lands.

Owners of specially rated lands not to vote on money by-laws.

4. No owner of specially rated lands, under any such by-law shall be entitled to vote in respect of said lands upon any money by-law of said city.

SCHEDULE A.

By-law No. 585 of the City of Stratford.

Whereas John Idington owner of part of lot 3 in the 2nd concession of the township of Downie now in the city of Stratford and wholly used as farm lands has applied to the Legislative Assembly of the Province of Ontario to have the same separated from the city and annexed to the said township of Downie and in lieu of such relief from burdensome taxation has agreed with the council of the said city to accept the relief that will be furnished by the Legislature confirming if it will the following by-law which said council has agreed to adopt for relief of said specified lands :

Now therefore the municipal council of the city of Stratford enacts as follows:

1. The lands named in said Bill shall only be liable to be taxed for their proper share of the present debenture debt of the said city the public or separate schools rates, as the case may be, and collegiate institute rates and a rate not exceeding three mills and a half on the dollar of their assessed value for all other purposes and shall not be liable for or in respect of any future indebtedness nor estimated in the contracting of any such debt as part of the assessable value of the said city.

2. Whenever any parts of such lands shall hereafter become divided up and held by owners in parcels less than twenty-five acres or be not used for farm purposes, the parts so divided up or ceasing to be used for farm purposes, shall become liable to the general taxation of the city in common with other than farm lands.

3. No owner of said farm lands shall in respect of such farm lands thus entitled to special rating, be entitled to vote upon any money by-law.

4. This by-law shall come into force immediately upon the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall be thereafter construed as in effect and in force from beginning of the current year.

5. The mayor and clerk are hereby authorized to sign a petition to said Legislature confirming this by-law.

Finally passed this 1st day of April, A.D., 1895.

R. R. LANG,
City clerk.

(Sgd.) WM. DAVIDSON,
Mayor.

BILL.

An Act respecting the City of Stratford.

First Reading, 13th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 13.] BILL. [1895.

An Act respecting The Girls' Home of Toronto.

Preamble.

WHEREAS The Girls' Home of Toronto, incorporated by an Act of the late province of Canada, passed in the 26th year of Her Majesty's reign, chapter 63, subsequently amended by an Act passed in the 50th year of Her Majesty's reign, chaptered 91, have, by their petition, prayed that further provisions may be made for the purpose of enabling the said Girls' Home to better and more fully protect and control all children entitled to its protection, and giving the said corporation better remedies for enforcing its contracts; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:—

Inducing children to leave the Home or place of service or apprenticeship.

1. It shall be unlawful for any person or persons to induce any child to leave the said The Girls' Home of Toronto, or to leave or quit any service or apprenticeship, or to leave any place where the said child may be placed for the purpose of being nursed, supported, educated or adopted, or to break any articles or agreement which may be entered into with the authority of the directresses and managers of the said Girls' Home, respecting any such child, or to detain or harbor any such child, after demand made by or on behalf of any of the officers of the said institution for delivery up of the said child.

Penalty.

2. Any person or persons, who shall be guilty of unlawfully inducing, detaining or harboring any such child contrary to the provisions of the preceding section of this Act, shall be liable, upon summary conviction before a justice of the peace, to a fine of $20 and costs, and in default of payment thereof, to imprisonment not exceeding thirty days.

26 V., c. 63, s. 5, amended.

3. Section 5 of the said Act, passed in the 26th year of Her Majesty's reign, chaptered 63, is amended by adding thereto the following words:—

Parents and guardians not to have control of inmates.

No parent or guardian or other person shall have the custody of, or any control or authority over, or any right to interfere with any such girl or child.

Rev. Stat. c. 142, s. 4 not to apply to children under care of Home.

4 The provisions of section 4 of the *Act respecting Apprentices and Minors* shall not apply to any child that has or may hereafter be under the protection of The Girls' Home of Toronto, or that has been or may hereafter be sent out or bound by the said The Girls' Home to service or to be nursed, supported, educated or adopted.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting The Girls' Home of Toronto.

First Reading, 1895.

(Private Bill.)

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 14.] **BILL.** [1895.

An Act to confirm By-law No. 755 of the City of Hamilton.

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company and the municipal corporation of the city of Hamilton have by their petitions prayed that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 29th day of October, A.D., 1894, after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton entitled to vote thereon, and intituled "By-law No. 755 for granting a bonus of $225,000 in aid of the Toronto, Hamilton and Buffalo Railway Company," a copy of which said by-law is contained in schedule "A" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 755 granting bonus of $225,000 to Toronto, Hamilton and Buffalo Railway confirmed.

1. The said by-law numbered 755 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

Irregularities in form not to invalidate debentures or by-law.

2. No irregularity in the form of the debentures to be issued under the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said municipal corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Conditions of by-law to be binding on Toronto, Hamilton and Buffalo R. W. Co.

3. It is hereby declared that the said by-law No 755 and all the conditions contained therein are and shall be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them, and in the event of the lines now

proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland or the connecting line from Hamilton through Brantford to Waterford or any part of the said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company or of any company, person, or persons acting for or in the interest of either of the said companies, or being operated as part of or in alliance with any of the said systems, or ceasing to be operated so as to give a through connection with the Canada Southern Railway and over that Railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford, or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company their successors or assigns under or by virtue of the grant made by said by-law No. 755 to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge prior to all other liens and charges upon the Toronto, Hamilton and Buffalo Railway Company and upon all the franchises and property of the said company.

SCHEDULE "A"

BY-LAW NO. 755.

For granting a bonus of $225,000 in aid of the Toronto Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway Company have applied to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and twenty-five thousand dollars should be granted to the said railway company upon the terms and conditions agreed upon between this corporation and the company, which terms and conditions are hereinafter set forth :

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this municipality for the sum of two hundred and twenty-five thousand dollars, payable as herein provided, if all the conditions hereinafter contained are fulfilled ;

And whereas, if the said debentures for $225,000 be issued, it will be requisite to raise annually by special rate, during the currency thereof, for paying the said debt and interest, the sum of $14,403;

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, is $24,691,720;

And whereas the existing debenture debt of this municipality amounts to $2,928,732, and no principal or interest is in arrear;

Therefore the municipal council of the city of Hamilton enacts as follows:—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality for the sum of two hundred and twenty-five thousand dollars, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty-five years from the first day of September, 1895, such debentures to bear interest at four per cent. per annum from that date, and the interest on all said debentures to be payable half-yearly, on the first days of March and September in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality upon the fulfillment by the said company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfillment thereof, to sign the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfillment by the company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the company.

4. There shall be raised and levied annually by special rate on all the ratable property in the said municipality, during the currency of said debentures, for payment of the interest thereon the sum of $9,000, and for the payment of the principal of said debentures, the sum of $5,403.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the eleventh day of October, 1894, commencing at the hour of nine o'clock in the morning, and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east	Alex. Turnbull.
1	2	404 King street east	W. P. Smith.
1	3	51 Ferguson ave. south	Richard Ellicott.
2	1	146 King street east	J. M. Ellicott.

Ward.	Division.	Place.	Returning Officer.
2	2	28 Main street east	F. R. Hutton.
2	3	160 Catharine st. south	E. G. Payne.
2	4	24 Jackson street west	Wm. Herman.
3	1	193 King street west	R. Corner.
3	2	307 Main street west	M.A. Pennington.
3	3	137 Hannah street west	E. F. Smith.
3	4	501 King street west	Wm. Kingdon.
3	5	299 Herkimer street	Jos. Kent.
4	1	58 Caroline street north	Robert Bryce
4	2	136 Cannon street west	Chas. Blackman.
4	3	440 King street west	Chris. Kerner.
4	4	Cor. York and Queen	T. Tribute.
4	5	392 York street	Alfred Richmond
4	6	S.S. King's shop, Dundurn	J. M. Dingwall.
5	1	13 Macnab street north	Adam Hunter.
5	2	City Hall, James street	L. Hills.
5	3	184 James street north	Robt. Leask.
5	4	149 McNab street north	Jas. Clark.
5	5	363 James street north	J. B. Nelligan.
5	6	503 James street north	Wm.Buckingham
6	1	37 John street north	Chas. Reid.
6	2	68 Cannon street east	Jas. Byrnes.
6	3	113 Rebecca street	Allan Land.
6	4	225 King William street	Wm. Allen
6	5	Cor. John and Barton streets, Houlden's shop.	Jas. Houlden.
6	6	364 Mary street	Thos. Smith.
6	7	83 Picton street east	Alex.McPherson
7	1	83 East avenue north	Saml. Robins.
7	2	35 Ashley street	Hedley Mason.
7	3	316 Barton street east	Saml. Scott.
7	4	383 Cannon street east	W. H. Martin.
7	5	Cor. Victoria avenue and Albert road	T. Lawrence.
7	6	Town Hall, Barton	A. W. Swazie.

6. On Tuesday, the 9th day of October, 1894, the mayor shall attend at the council chamber, at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in and promoting or opposing the passage of this by-law, respectively.

7. The clerk of the council of the said municipality shall attend at his office in the city hall, in the city of Hamilton, at 11 o'clock in the forenoon of Saturday, the 13th day of October, 1894, and sum up the number of votes given for and against the by-law.

Terms and Conditions.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company, and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway company in the manner and at the times set forth therein, and not otherwise, and no part of said grant shall be paid over to the said company except in accordance with, and upon fulfillment of such terms and conditions :—

1. The sum of $225,000 granted by this by-law shall be paid to the company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum from the first day of September 1895, but none of such debentures shall be so delivered to the company, until the completion of their railway as a first-class road constructed with steel rails weighing not less than eighty pounds to the yard, from Hamilton to a point on the Canada Southern Railway at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton by a southerly route, substantially according to the description and specification thereof, hereinafter contained; nor until the company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton, and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such railway from Brantford to Garth street in the city of Hamilton to be constructed with steel rails weighing not less than seventy pounds to the yard, nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight, between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland, and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them ; and it has been provided in the company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company or

the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated, as hereinbefore provided, so as to give a through connection with the Canada Southern Railway, and over that Railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge, prior to all other liens and charges, upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the company, and the city corporation hereby agrees to join with the Toronto, Hamilton and Buffalo Railway Company in applying for such legislation, provided that the company shall not at the time it is applied for have made default in the performance of any of the conditions of this by-law, and that the city corporation shall not be called upon to pay any share of the expense of such application.

2. The company shall, before the day appointed for taking the vote of the qualified electors upon this by-law, pay, or cause to be paid, into the Bank of Hamilton, at its head office in this city, to the credit of the American Loan and Trust Company, of Boston, Mass., the sum of $50,000, upon the terms that if this by-law is passed, the money so deposited shall be paid out only on the cheques of the said loan and Trust Company, counter signed by George Roach, Esquire, one of the directors of said bank, and by the city treasurer, on the production to them of vouchers establishing the expenditure of the amounts covered by such cheques, for work or labor of residents of Hamilton in the construction of said railway in the city of Hamilton and between Hamilton and Copetown, provided that a sufficient number of such workmen and laborers, resident in Hamilton, can be obtained for the active prosecution of the work, at the rate of wages current in Hamilton and its vicinity for the classes of work required, and the current rate of wages for all residents of the city shall be fixed at fifteen cents per hour for laborers employed upon work within the city of Hamilton, and twelve and a-half cents per hour for all residents of the city employed as laborers upon work on the railway outside the city, and in all cases preference shall be given to such residents of Hamilton as are willing to be employed upon the work at such current rate of wages, and

are competent for the work required, and an account shall be given to the mayor of the city of Hamilton, whenever required by him, of the amounts paid out of such deposit of $50,000, and of the purposes for which they have been paid, and the persons to whom the payments have been made.

3. The company shall build before the first day of September, 1895, and shall always maintain a first class passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo railway running from or through Brantford to Toronto or from Toronto to or through Brantford, or from Brantford to Welland, or Welland to Brantford, shall stop at such principal passenger station of the company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station, and the company shall also build before the first day of September, 1895, and shall always maintain a second passenger station within the limits of the city of Hamilton at some point on or near Locke street, south of Main street

4. The debentures issued under this by-law shall bear interest at four per cent. per annum, from the first day of September, 1895, and be dated on that day, but no debentures shall be delivered to the company, nor shall the company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the company have been fulfilled on their part, nor until the company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo railway line from the city of Brantford to Hamilton, or within the city of Hamilton be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton or within the city of Hamilton, is not being actively proceeded with at that date, and continuously thereafter, with an average number of not less than one hundred men on each working day, so far as the weather will permit, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned, then in any of such events this by-law shall become void and of no effect ; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of

Welland through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day December, 1895, the grant made by this by-law shall be forfeited, and time is hereby declared to be of the essence of this conditition.

7. The company shall at all times indemnify and save harmless the city corporation from and against all claims for compensation, damages or costs, by reason or on account of the construction of the said railway, and if, not less than three months before the company becomes entitled to the delivery of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims against the said company for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamilton, of any of the powers granted for the railway, or against the city corporation for compensation, damages or costs by reason or on account of the construction of the railway within the city, the said city corporation shall retain out of any of the said debentures to which the company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims and all costs relating thereto or occasioned thereby, and shall have the right to pay any of such claims and costs, when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary to enable them to make such payment or payments, but if any such claim be not prosecuted without delay, the company shall be entitled to demand, and the city corporation shall then deliver to the company, any debentures retained as security for such claim.

8. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compensation therefor, and either by a level crossing or by a bridge or subway, as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway, and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appurtenances, they shall be removed by the company at the request of the city corporation, the cost of such removal to be paid by the city ; and if the city corporation shall desire to construct any sewers or lay any waterpipes across or through the lands of the said railway company they shall be at liberty to do so without paying compensation to the company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

9. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton, shall be done by and at the expense of the company, under the supervision and to the satisfaction of the city engineer.

Description and Specification.

The following is the description and specification of the southerly route referred to in this by-law :

The line will extend from a point in the southerly limit of the city, not more than 1,200 feet east of the intersection of Aberdeen avenue with the westerly limit of the city ; thence in a north easterly direction, crossing Aberdeen avenue and all other intermediate streets and lanes to Garth street and curving to the eastward by an open cutting crossing Garth street immediately south of Hunter street, at a depth of not less than twelve (12) feet below present grade of Garth street ; thence continuing eastwardly on said curve across Hunter street to a point at or near Poulette street, in the block between Hunter and Canada streets ; thence eastwardly parallel to Hunter street to Queen street crossing Poulette street 27 feet below present grade, Locke street 19 feet below, Pearl street 21 feet below, Ray street 21 feet below, and Queen street 20 feet below present grade of Queen street ; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen street through the centre of Hunter street, passing under Hess, Caroline, Bay and Park streets to the east side of Park street, where the tunnel ends. The railway will thence continue from the centre line of Hunter street at Park street, along Hunter street but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of the railway as practicable for the use of teams and pedestrians.

The railway company shall wall up with stone or brick the south side of their track between Charles and Park streets and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles street not more than seven feet below present street grade, and Macnab street with a cutting not to exceed three feet ; thence along the north half of Hunter street (leaving the south half of said Hunter street for a driveway) crossing James, Hughson and John streets practically at grade, thence curving slightly southward crossing Catharine street and entering upon the block south of Hunter street and between Catharine and Walnut streets not more than 200 feet east of the east side of said Catharine street ; thence crossing Walnut, Ferguson avenue, Liberty, Aurora and Wellington streets and West and Victoria

avenues, to a point not more than 200 feet immediately north of the Grand Trunk Railway ; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway not more than 250 feet from said railway to Wentworth street ; thence across Wentworth street and continuing eastwardly to Sherman avenue, the eastern limit of the city, to a point in said Sherman avenue south of Mountain avenue.

Overhead wooden bridges, well and substantially built the full width of the streets, shall be constructed and maintained by and at the expense of the company over Garth, Poulette, Locke, Pearl and Ray streets, with the necessary guards and guard rails.

The company shall construct and maintain a public siding for the loading of freight cars from carts or wagons, and loading of carts or wagons from freight cars, at some point between Hunter and Main streets, adjacent to or along the east line of Garth street, and extending along said east line to a point within two hundred feet of Main street, the company to leave the present roadway on Garth street in as good condition as it is in now for the use of horses and vehicles.

The railway company shall lay down double tracks from some point near Garth street to Wentworth street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the rails, and planked between the rails and alongside of the tracks in a substantial and workmanlike manner, by and at the expense of the company.

The highway above the tunnel on Hunter street, shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the company, and to the satisfaction of the city engineer, and no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

During the construction of the tunnel, the company shall erect temporary bridges for the passage of horses and vehicles over the excavations for the railway, at the crossing of such streets between Garth and Park streets as the city engineer shall direct, provided such bridges do not interfere with the active prosecution of the work.

The company shall, at their own expense, sufficiently protect by watchmen and gates McNab, James, Hughson and John streets where they are crossed by the railway, and if at any time the railway committee of the privy council shall decide that gates or other appliances for the protection of the public shall be placed at any of the street crossings or elsewhere within the limits of the city of Hamilton, the cost of constructing and setting up and the cost of maintaining and operating such gates or other appliances shall be borne by the Toronto, Hamilton and Buffalo Railway Company.

The pipe sewer on Queen street shall at the crossing of that street by the railway be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the company, and all sewers and water pipes which may be interfered with by the railway company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the company to the city corporation on demand, and if at the time the company may become entitled to any debentures, under the terms of this by-law, any such expenses shall remain unpaid by the company to the city, the amount thereof with interest from the time of demand of payment may be deducted from such debentures.

Passed this 29th day of October, A.D., 1894.

(Seal.) A. D. STEWART,
Mayor.

T. BEASLEY,
City Clerk.

(Seal.)

No. 14.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-law No. 755 of the City of Hamilton.

First Reading 1895.

(Private Bill.)

Mr. MIDDLETON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 14.] **BILL.** [1895.

An Act to confirm By-law No. 755 of the City of Hamilton.

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company and the municipal corporation of the city of Hamilton have by their petitions prayed that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 29th day of October, A.D., 1894, after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton entitled to vote thereon, and intituled "By-law No. 755 for granting a bonus of $225,000 in aid of the Toronto, Hamilton and Buffalo Railway Company," a copy of which said by-law is contained in schedule "A" to this Act; ☞ and whereas no opposition has been given to the said petition by any ratepayer of the said city of Hamilton; ☜ and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 755 granting bonus of $225,000 to Toronto, Hamilton and Buffalo Railway confirmed.

1. The said by-law numbered 755 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

Irregularities in form not to invalidate debentures or by-law.

2. No irregularity in the form of the debentures to be issued under the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said municipal corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Conditions of by-law to be binding on Toronto, Hamilton and Buffalo R. W. Co.

3. It is hereby declared that the said by-law No. 755 and all the conditions contained therein are and shall be binding on

the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them ; and in the event of the lines now *under construction or* proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland or the connecting line from Hamilton through Brantford to Waterford or any part of the said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company or of any company, person, or persons acting for or in the interest of either of the said companies, or being operated as part of or in alliance with any of the said systems, or ceasing to be operated so as to give a through connection with the Canada Southern Railway and over that Railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford, or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company their successors or assigns under or by virtue of the grant made by said by-law No. 755 to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge prior to all other liens and charges upon the Toronto, Hamilton and Buffalo Railway and upon all the franchises and property of the said company.

SCHEDULE "A"

BY-LAW No. 755.

For granting a bonus of $225,000 in aid of the Toronto Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway Company have applied to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and twenty-five thousand dollars should be granted to the said railway company upon the terms and conditions agreed upon between this corporation and the company, which terms and conditions are hereinafter set forth :

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this municipality for the sum of two hundred and twenty-five thousand dollars, payable as herein provided, if all the conditions hereinafter contained are fulfilled ;

And whereas, if the said debentures for $225,000 be issued, it will be requisite to raise annually by special rate, during the currency thereof, for paying the said debt and interest, the sum of $14,403;

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, is $24,691,720;

And whereas the existing debenture debt of this municipality amounts to $2,928,732, and no principal or interest is in arrear;

Therefore the municipal council of the city of Hamilton enacts as follows:—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality for the sum of two hundred and twenty-five thousand dollars, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty-five years from the first day of September, 1895, such debentures to bear interest at four per cent. per annum from that date, and the interest on all said debentures to be payable half-yearly, on the first days of March and September in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality upon the fulfillment by the said company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfillment thereof, to sign the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfillment by the company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the company.

4. There shall be raised and levied annually by special rate on all the ratable property in the said municipality, during the currency of said debentures, for payment of the interest thereon the sum of $9,000, and for the payment of the principal of said debentures, the sum of $5,403.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the eleventh day of October, 1894, commencing at the hour of nine o'clock in the morning, end continuing until five o'clock in the afternoon, at the undermentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east	Alex. Turnbull.
1	2	404 King street east	W. P. Smith.
1	3	51 Ferguson ave. south	Richard Ellicott.
2	1	146 King street east	J. M. Ellicott.

Ward.	Division.	Place.	Returning Officer
2	2	28 Main street east	F. R. Hutton.
2	3	160 Catharine st. south	E. G. Payne.
2	4	24 Jackson street west	Wm. Herman.
3	1	193 King street west	R. Corner.
3	2	307 Main street west	M.A. Pennington.
3	3	137 Hannah street west	E. F. Smith.
3	4	501 King street west	Wm. Kingdon.
3	5	299 Herkimer street	Jos. Kent.
4	1	58 Caroline street north	Robert Bryce
4	2	136 Cannon street west	Chas. Blackman.
4	3	440 King street west	Chris. Kerner.
4	4	Cor. York and Queen	T. Tribute.
4	5	392 York street	Alfred Richmond
4	6	S.S. King's shop, Dundurn	J. M. Dingwall.
5	1	13 Macnab street north	Adam Hunter.
5	2	City Hall, James street	L. Hills.
5	3	184 James street north	Robt. Leask.
5	4	149 McNab street north	Jas. Clark.
5	5	363 James street north	J. B. Nelligan.
5	6	503 James street north	Wm.Buckingham
6	1	37 John street north	Chas Reid.
6	2	68 Cannon street east	Jas. Byrnes.
6	3	113 Rebecca street	Allan Land.
6	4	225 King William street	Wm. Allen
6	5	Cor. John and Barton streets, Houlden's shop.	Jas. Houlden.
6	6	364 Mary street	Thos. Smith.
6	7	83 Picton street east	Alex.McPherson
7	1	83 East avenue north	Saml. Robins.
7	2	35 Ashley street	Hedley Mason.
7	3	316 Barton street east	Saml. Scott.
7	4	383 Cannon street east	W. H. Martin.
7	5	Cor. Victoria avenue and Albert road	T. Lawrence.
7	6	Town Hall, Barton	A. W. Swazie.

6. On Tuesday, the 9th day of October, 1894, the mayor shall attend at the council chamber, at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in and promoting or opposing the passage of this by-law, respectively.

7. The clerk of the council of the said municipality shall attend at his office in the city hall, in the city of Hamilton, at 11 o'clock in the forenoon of Saturday, the 13th day of October, 1894, and sum up the number of votes given for and against the by-law.

Terms and Conditions.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company, and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway company in the manner and at the times set forth therein, and not otherwise, and no part of said grant shall be paid over to the said company except in accordance with, and upon fulfillment of such terms and conditions :—

1. The sum of $225,000 granted by this by-law shall be paid to the company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum from the first day of September 1895, but none of such debentures shall be so delivered to the company, until the completion of their railway as a first-class road constructed with steel rails weighing not less than eighty pounds to the yard, from Hamilton to a point on the Canada Southern Railway at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton by a southerly route, substantially according to the description and specification thereof, hereinafter contained; nor until the company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton, and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such railway from Brantford to Garth street in the city of Hamilton to be constructed with steel rails weighing not less than seventy pounds to the yard, nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight, between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland, and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them ; and it has been provided in the company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company or

the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated, as hereinbefore provided, so as to give a through connection with the Canada Southern Railway, and over that Railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge, prior to all other liens and charges, upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the company, and the city corporation hereby agrees to join with the Toronto, Hamilton and Buffalo Railway Company in applying for such legislation, provided that the company shall not at the time it is applied for have made default in the performance of any of the conditions of this by-law, and that the city corporation shall not be called upon to pay any share of the expense of such application.

2. The company shall, before the day appointed for taking the vote of the qualified electors upon this by-law, pay, or cause to be paid, into the Bank of Hamilton, at its head office in this city, to the credit of the American Loan and Trust Company, of Boston, Mass., the sum of $50,000, upon the terms that if this by-law is passed, the money so deposited shall be paid out only on the cheques of the said loan and Trust Company, counter signed by George Roach, Esquire, one of the directors of said bank, and by the city treasurer, on the production to them of vouchers establishing the expenditure of the amounts covered by such cheques, for work or labor of residents of Hamilton in the construction of said railway in the city of Hamilton and between Hamilton and Copetown, provided that a sufficient number of such workmen and laborers, resident in Hamilton, can be obtained for the active prosecution of the work, at the rate of wages current in Hamilton and its vicinity for the classes of work required, and the current rate of wages for all residents of the city shall be fixed at fifteen cents per hour for laborers employed upon work within the city of Hamilton, and twelve and a-half cents per hour for all residents of the city employed as laborers upon work on the railway outside the city, and in all cases preference shall be given to such residents of Hamilton as are willing to be employed upon the work at such current rate of wages, and

are competent for the work required, and an account shall be given to the mayor of the city of Hamilton, whenever required by him, of the amounts paid out of such deposit of $50,000, and of the purposes for which they have been paid, and the persons to whom the payments have been made.

3. The company shall build before the first day of September, 1895, and shall always maintain a first class passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo railway running from or through Brantford to Toronto or from Toronto to or through Brantford, or from Brantford to Welland, or Welland to Brantford, shall stop at such principal passenger station of the company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station, and the company shall also build before the first day of September, 1895, and shall always maintain a second passenger station within the limits of the city of Hamilton at some point on or near Locke street, south of Main street.

4. The debentures issued under this by-law shall bear interest at four per cent. per annum, from the first day of September, 1895, and be dated on that day, but no debentures shall be delivered to the company, nor shall the company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the company have been fulfilled on their part, nor until the company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo railway line from the city of Brantford to Hamilton, or within the city of Hamilton be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton or within the city of Hamilton, is not being actively proceeded with at that date, and continuously thereafter, with an average number of not less than one hundred men on each working day, so far as the weather will permit, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned, then in any of such events this by-law shall become void and of no effect ; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of

Welland through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day December, 1895, the grant made by this by-law shall be forfeited, and time is hereby declared to be of the essence of this conditition.

7. The company shall at all times indemnify and save harmless the city corporation from and against all claims for compensation, damages or costs, by reason or on account of the construction of the said railway, and if, not less than three months before the company becomes entitled to the delivery of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims against the said company for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamilton, of any of the powers granted for the railway, or against the city corporation for compensation, damages or costs by reason or on account of the construction of the railway within the city, the said city corporation shall retain out of any of the said debentures to which the company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims and all costs relating thereto or occasioned thereby, and shall have the right to pay any of such claims and costs, when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary to enable them to make such payment or payments, but if any such claim be not prosecuted without delay, the company shall be entitled to demand, and the city corporation shall then deliver to the company, any debentures retained as security for such claim.

8. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compensation therefor, and either by a level crossing or by a bridge or subway, as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway, and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appurtenances, they shall be removed by the company at the request of the city corporation, the cost of such removal to be paid by the city ; and if the city corporation shall desire to construct any sewers or lay any waterpipes across or through the lands of the said railway company they shall be at liberty to do so without paying compensation to the company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

9. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton, shall be done by and at the expense of the company, under the supervision and to the satisfaction of the city engineer.

DESCRIPTION AND SPECIFICATION.

The following is the description and specification of the southerly route referred to in this by-law :

The line will extend from a point in the southerly limit of the city, not more than 1,200 feet east of the intersection of Aberdeen avenue with the westerly limit of the city ; thence in a north easterly direction, crossing Aberdeen avenue and all other intermediate streets and lanes to Garth street and curving to the eastward by an open cutting crossing Garth street immediately south of Hunter street, at a depth of not less than twelve (12) feet below present grade of Garth street ; thence continuing eastwardly on said curve across Hunter street to a point at or near Poulette street, in the block between Hunter and Canada streets ; thence eastwardly parallel to Hunter street to Queen street crossing Poulette street 27 feet below present grade, Locke street 19 feet below, Pearl street 21 feet below, Ray street 21 feet below, and Queen street 20 feet below present grade of Queen street ; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen street through the centre of Hunter street, passing under Hess, Caroline, Bay and Park streets to the east side of Park street, where the tunnel ends. The railway will thence continue from the centre line of Hunter street at Park street, along Hunter street but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of the railway as practicable for the use of teams and pedestrians.

The railway company shall wall up with stone or brick the south side of their track between Charles and Park streets and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles street not more than seven feet below present street grade, and Macnab street with a cutting not to exceed three feet ; thence along the north half of Hunter street (leaving the south half of said Hunter street for a driveway) crossing James, Hughson and John streets practically at grade, thence curving slightly southward crossing Catharine street and entering upon the block south of Hunter street and between Catharine and Walnut streets not more than 200 feet east of the east side of said Catharine street ; thence crossing Walnut, Ferguson avenue, Liberty, Aurora and Wellington streets and West and Victoria

avenues, to a point not more than 200 feet immediately north of the Grand Trunk Railway ; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway not more than 250 feet from said railway to Wentworth street ; thence across Wentworth street and continuing eastwardly to Sherman avenue, the eastern limit of the city, to a point in said Sherman avenue south of Mountain avenue.

Overhead wooden bridges, well and substantially built the full width of the streets, shall be constructed and maintained by and at the expense of the company over Garth, Poulette, Locke, Pearl and Ray streets, with the necessary guards and guard rails.

The company shall construct and maintain a public siding for the loading of freight cars from carts or wagons, and loading of carts or wagons from freight cars, at some point between Hunter and Main streets, adjacent to or along the east line of Garth street, and extending along said east line to a point within two hundred feet of Main street, the company to leave the present roadway on Garth street in as good condition as it is in now for the use of horses and vehicles.

The railway company shall lay down double tracks from some point near Garth street to Wentworth street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the rails, and planked between the rails and alongside of the tracks in a substantial and workmanlike manner, by and at the expense of the company.

The highway above the tunnel on Hunter street, shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the company, and to the satisfaction of the city engineer, and no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

During the construction of the tunnel, the company shall erect temporary bridges for the passage of horses and vehicles over the excavations for the railway, at the crossing of such streets between Garth and Park streets as the city engineer shall direct, provided such bridges do not interfere with the active prosecution of the work.

The company shall, at their own expense, sufficiently protect by watchmen and gates McNab, James, Hughson and John streets where they are crossed by the railway, and if at any time the railway committee of the privy council shall decide that gates or other appliances for the protection of the public shall be placed at any of the street crossings or elsewhere within the limits of the city of Hamilton, the cost of constructing and setting up and the cost of maintaining and operating such gates or other appliances shall be borne by the Toronto, Hamilton and Buffalo Railway Company.

The pipe sewer on Queen street shall at the crossing of that street by the railway be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the company, and all sewers and water pipes which may be interfered with by the railway company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the company to the city corporation on demand, and if at the time the company may become entitled to any debentures, under the terms of this by-law, any such expenses shall remain unpaid by the company to the city, the amount thereof with interest from the time of demand of payment may be deducted from such debentures.

Passed this 29th day of October, A.D., 1894.

(Seal.) A. D. STEWART,
Mayor.

T. BEASLEY,
City Clerk.

(Seal.)

No. 14.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-law No. 755 of the City of Hamilton.

First Reading, 1st March, 1895.

(*Re-printed as amended by Private Bills Committee.*)

Mr. MIDDLETON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 15.] **BILL.** [1895.

An Act to separate certain Lands from the Town of Whitby.

Preamble.

WHEREAS the lands hereinafter mentioned now form part of the town of Whitby, in the county of Ontario, by reason of having been inconsiderately included within the boundaries of the said town of Whitby when the same was incorporated; and whereas John Smith, John Rice, Milton H. Starr, and others largely interested in the said lands have by their petition prayed that the said lands may be separated from the said town of Whitby and annexed to the adjoining municipality of the township of Whitby; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands separated from town of Whitby and annexed to township of Whitby.

1. The following lands and premises, being the north halves of lots numbers twenty-five and twenty-six and the northeast quarter of lot number twenty-seven in the second concession of the town or township of Whitby, and those parts of lot numbers twenty-seven and twenty-eight lying north of the northern boundary of Beech street, in the second concession of the said town or township of Whitby if produced westerly until it intersects with the western boundary of said lot number twenty-eight, and all those lands now forming part of the town of Whitby lying east of the road allowance between lots numbers twenty-four and twenty-five in all the concessions in the said town or township of Whitby, and consisting of the south halves of lots numbers twenty-two, twenty-three, and twenty-four in the second concession of the town or township of Whitby, and the north half of lot number twenty-two and the whole of lots numbers twenty-three and twenty-four in the first concession of the town or township of Whitby, and the whole of lot number twenty-four in the broken front concession of the town or township of Whitby; and all those lands now forming part of the town of Whitby and lying west of the road allowance between lots numbers twenty-eight and twenty-nine in all the concessions of the said town or township of Whitby, and consisting of the south halves of lots numbers twenty-nine, thirty, and

thirty-one in the second concession of the said town or township of Whitby, and the whole of lots numbers twenty-nine and thirty and the north half of lot number thirty-one in the first concession of the town or township of Whitby and the whole of lot number twenty-nine in the broken front concession of the said town or township of Whitby, be and the same are hereby separated from the said town of Whitby and annexed to the township of Whitby, in the County of Ontario, and the said lands shall henceforth be and form part of the said municipality of the township of Whitby.

Lands detached to remain liable for debts previously contracted.

2. Nothing in this Act contained shall exempt any part of the lands so detached from the town of Whitby aforesaid from liability for the debts and obligations contracted before the passing of this Act by the said town of Whitby or from any special rate or assessment imposed thereon or on any part thereof by any by-law heretofore passed by the council of the said town of Whitby.

No. 15.

1st Session, 8th Legislature, 58 Vict., 1894.

BILL.

An Act to separate certain Lands from the Town of Whitby.

First Reading, 1895.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 15.] BILL. [1895.

An Act respecting the Town of Whitby and to confirm a certain By-law thereof.

WHEREAS certain owners of farm lands in the town of Whitby, have by their petition set forth that their lands have in the past been subjected to unjust and burdensome taxation, occasioned by the granting of bonuses and otherwise, and have prayed that the Legislature might grant relief to such owners of farm lands from such taxation and from the imposition of future indebtedness by reducing the area of the said town of Whitby and separating certain farm lands therefrom and attaching the same to the adjoining township of Whitby; and whereas the corporation of the town of Whitby in consideration of the amendment of the Bill of the said petitioners now pending before the Private Bills Committee of the Legislative Assembly agreed to pass and have since passed a by-law numbered 510, which is set forth in full in schedule A to this Act for the purpose of carrying into effect the terms of a settlement arrived at by the said petitioners and the said corporation with the sanction of the said committee; and whereas the said corporation of the town of Whitby and the said petitioners for the purposes aforesaid are desirous that an Act may be passed to confirm the said by-law; and whereas it seems just and expedient that an Act should be passed for the purpose aforesaid; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the municipal corporation of the town of Whitby numbered 510, and set forth in full in the schedule A to this Act, is hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Consolidated Assessment Act 1892*, or any other Act to the contrary notwithstanding. By-law 510 confirmed. 55 V. c. 45.

SCHEDULE A.

By-law No. 510.

1. By-law number 510 of the council of the corporation of the town of Whitby to provide for the rate of assessment of lands in blocks of twenty acres and upwards used exclusively for farm purposes in the town of Whitby, compared with the assessment of the other property therein for the period of eight years and to provide for a rebate in favor of farm lands upon the amount to be levied thereon during the period aforesaid for general town purposes and for other purposes in connection with the assessment of such farm lands and the finances of the said town.

2. Whereas certain owners of farm lands in the town of Whitby have applied to the Legislature of Ontario for an Act to detach their lands from the said town and to annex the same to the township of Whitby, and such Bill is now before the standing committee of said Legislature on private bills and numbered 15.

3. And whereas it has been proposed and agreed that in consideration of the amendment of the said Bill that this by-law shall, subject to the approval of the Legislature be passed, as to the assessment of such lands and the exemption thereof from taxation for bonuses which may hereafter be granted by the town of Whitby and providing for reducing the amount to be paid on the assessment of farm lands in each year in respect of taxes for the general purposes of the town irrespective of debenture debt, school purposes and county rate and as to the amount to be expended upon roads, sidewalks and streets in the territory proposed by the said Act to be detached from the town and as to providing that exemptions from taxation allowed by section 7*a* of *The Consolidated Assessment Act 1892*, for the period of eight years, shall be fixed by by-law and providing that the indebtedness over ordinary expenditure of the town shall not be increased during eight years, except in cases of extraordinary expenditure occasioned by fire or other causes not within the control of the town.

And whereas it is desirable that the proposed arrangement shall be carried out;

3. Therefore the council of the corporation of the town of Whitby enacts as follows, and it is hereby enacted by the authority of the same:—

That the assessment of lands containing twenty acres or upwards used for farming purposes in the town of Whitby as fixed by the last revised assessment roll of 1894 shall not be raised or increased for a period of eight years from the first day of January, 1895, and for the purposes of the said Act to be passed that the proportion which the assessment of the properties in the town of Whitby other than farm lands bears to the said lands shall not be changed during the period aforesaid (so that the aggregate thereof shall be reduced).

4. That the owners of farm lands shall continue to be entitled to the benefits of the exemptions under the provisions of *The Consolidated Assessment Act of 1892*, section 7a, and of any amending Acts which may hereafter be passed, and the exemptions to which such farm lands in the town of Whitby may be entitled shall be fixed by by-law for the said period without the necessity of an annual or any application by the owners thereof. The owners of said lands to have the right of appeal to the county judge as therein provided.

5. That the owners of such farm lands shall also be entitled to a rebate of two and one-half mills on the dollar of assessment in each year in respect of taxes for general town purposes, as now levied during the period aforesaid.

6. That the council of the town of Whitby shall as far as is practicable in respect of the maintenance, repair and improvement of the roads, sidewalks and streets in that part of the town of Whitby comprised in schedule B to this by-law, deal with the same as a distinct and separate municipality, and shall not expend more than is reasonably necessary in such territory for such maintenance, repairs and improvements, and that the amount of taxes levied upon the lands mentioned in schedule B in respect of such maintenance, repair and improvement shall be expended therein from time to time to the best advantage.

7. That the public indebtedness over ordinary annual expenditure of the town shall not be increased without the consent of the owners of the farm lands mentioned in schedule B, for any purpose whatever during the period aforesaid, except in case of extraordinary expenditure occasioned by fire, or other causes not within the control of the council of this corporation.

8. That one hundred dollars shall be paid by the town treasurer to the solicitor for the promoter of the said bill towards the expense of the printing thereof and legislative charges thereon.

9. This by-law shall not take effect until the same shall have been legalized by the Legislature of the Province of Ontario.

Passed 1st April, 1895.

(Sgd.) THOMAS HUSTON,
Town Clerk,

(Sgd.) JAMES RUTLEDGE,
Mayor.

Per JOSEPH WHITE,
Acting Clerk.

[L. S.]

SCHEDULE B.

(Referred to in By-law No. 510.)

1. The following lands and premises being the north halves of lots numbers twenty-five and twenty-six, and the north-east quarter of lot number twenty-seven, in the second concession of the town or township of Whitby, and those parts of lot number twenty-seven and twenty-eight, lying north of the northern boundary of Beech street in the second concession of the said town or township of Whitby, if produced westerly until it intersects with the western boundary of said lot number twenty-eight; and all those lands now forming part of the town of Whitby lying east of the road allowance between lots numbers twenty-four and twenty-five in all the concessions in the said town or township of Whitby, and consisting of the south halves of lots numbers twenty-two, twenty-three and twenty-four in the second concession of the town or township of Whitby, and the north half of lot number twenty-two, and the whole of lots numbers twenty-three and twenty-four in the first concession of the town or township of Whitby, and the whole of lot number twenty-four in the broken front concession of the town or township of Whitby, and all those lands now forming part of the town of Whitby and lying west of the road allowance between lots numbers twenty-eight and twenty-nine in all the concessions of the said town or township of Whitby, and consisting of the south halves of lots numbers twenty-nine, thirty and thirty-one in the second concession of the said town or township of Whitby, and the whole of lots numbers twenty-nine and thirty and the north half of lot number thirty-one in the first concession of the town or township of Whitby, and the whole of lot number twenty-nine in the broken front concession of the said town or township of Whitby.

No. 15.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Whitby and to confirm a certain By-law thereof.

First Reading, 12th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 16.] **BILL.** [1895

An Act to confirm By-Law Number 944 of the City of St. Catharines.

WHEREAS the municipal corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company have by their joint petition represented that $40,000 of debentures issued by the said corporation under the provisions of by-law Number 354, passed by said corporation in aid of the said company, are now held by Bernard King and Richard Peterson, surviving trustees, to be delivered by them to the said company upon the fulfillment of certain conditions expressed in said by-law 354 and agreement and resolution referred to in by-law Number 944, passed by the said corporation on the 8th day of October, A.D. 1894, and which said last mentioned by-law is set out in Schedule A to this Act; and whereas the said corporation are the holders of a joint and several bond entered into by Lucius S. Oille and five other directors of the said company, dated the 18th day of July, A.D. 1888, conditioned as set forth in the said by-law Number 944; and whereas the said company have proposed to the council of the said corporation to surrender and redeliver to the said corporation the said $40,000 of debentures so remaining in the hands of said trustees upon condition that the said bond be delivered up by the said corporation to the said company for cancellation; and whereas said by-law Number 944 was passed by the council of said corporation for the purpose of carrying into effect the said proposed arrangement, subject, however, to confirmation by the Legislature of the Province of Ontario; and whereas the said corporation and the said railway company have by their petition prayed that an Act may be passed legalizing and confirming the said by-law, and for such other legislation as may be necessary to carry the same into effect; and whereas it is expedient to grant the prayer of said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law passed by the municipal council of the corporation of the city of St. Catharines on the 8th day of October, A. D. 1894, numbered 944, and intituled a by-law "To carry into effect certain proposed arrangements between By-law 944, respecting The St. Catharines and Niagara Central R. W. Co. confirmed.

the corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company," a copy of which by-law is set out in Schedule A to this Act, is hereby legalized, confirmed, and declared to be valid and binding upon the said municipal corporation and the said railway company respectively.

Provisions of by-law incorporated in Act.

2. The provisions of the said by-law shall have the same force and effect as if the same were incorporated in and enacted by this Act, and the said municipal corporation and company are hereby authorized and empowered to carry out the arrangement proposed and set forth in said by-law number 944.

Debentures held in trust under by-law 354 to be delivered up to city.

3. The said Bernard King and Richard Peterson, trustees, are hereby authorized and required upon the requisition of the said company to that effect, to re-deliver to the said corporation the said $40,000 of debentures—held by them in trust under the provisions of by-law 354 referred to in the preamble to this Act.

SCHEDULE A.

By-Law No. 944.

To carry into effect certain proposed arrangements between the corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company.

Whereas under the provisions of by-law No. 354, passed by the corporation of the city of St. Catharines on the 24th day of November, A. D. 1881, an agreement by The St. Catharines and Niagara Central Railway Company with said corporation, bearing date the 3rd day of December, A. D. 1883 ; a resolution passed by the council of said corporation bearing date the 5th day of December, A. D. 1883 ; and an Act of the Legislature of Ontario assented to on the 25th day of March, A. D. 1884, and numbered 72, debentures were issued by said corporation to the extent of $80,000 to aid the said company in the construction of their said railway, and were placed in the hands of Bernard King, Richard Peterson, and James Norris, trustees, duly appointed to hold the same, in trust, subject to the terms and conditions expressed in said by-law, agreement, and resolution ;

And whereas $40,000 of said debentures have been handed over to the said company and a like amount still remains in the hands of the said Bernard King and Richard Peterson, the two surviving trustees, subject to the fulfillment by the said company of certain conditions expressed in said by-law, agreement, and resolution as aforesaid ;

And whereas under the provisions of by-law No. 512 passed by the council of said corporation on the 15th day of June, A. D. 1886, debentures of the said company were guaranteed to the extent of $80,000 by the said corporation ;

And whereas certain directors of said company, to wit: Lucius S. Oille, Sylvester Neelon, W. W. Greenwood, Henry A. King, John Carroll, and Edward A. Smyth, did execute and deliver to the said corporation their joint and several bond, bearing date the 18th day of July, A. D. 1888, conditioned to indemnify the said corporation against the payment of interest upon $40,000 of said guaranteed debentures until the said railway should be built to a point at or near the city of Hamilton;

And whereas large arrears of interest are due (by the obligors on said bond) and the said company have proposed to this council to surrender all claim of right to the $40,000 of said debentures so remaining in the hands of said trustees, and consent that such debentures shall be re-delivered to this corporation by the said trustees, free from any claim of right thereto by said company, upon condition that the said bond executed by the said Lucius S. Oille and others be delivered up by this corporation to the said company to be cancelled, such proposed arrangement to be subject to approval and confirmation by the Legislature of Ontario;

And whereas the board of directors of said company have passed a resolution to the effect set forth in the last preceding clause and submitted the same to this council, together with a large petition of the ratepayers, electors of said corporation, praying that said proposed arrangements be carried into effect;

And whereas it is expedient that the said proposed arrangement be carried out as prayed for in said petition;

Be it therefore enacted by the municipal corporation of the city of St. Catharines:

1. That upon the surrender of the said The St. Catharines and Niagara Central Railway Company and delivery up to be cancelled to the treasurer of the said the corporation of the city of St. Catharines by the surviving trustees in the recital mentioned of the $40,000 of debentures issued by the said corporation under the provisions of said by-law No. 354, the said agreement and resolution and the said Act of the Ontario Legislature in the recital mentioned now remaining in their hands as aforesaid within one month after the sanction and legalization of this by-law by the said Ontario Legislature.

The mayor, treasurer, or other officer of the said corporation having the charge or custody of the bond entered into by the said Lucius S. Oille and others in the recital hereof mentioned is hereby authorized and required to deliver up the same to the said company for cancellation.

Provided that this by-law shall not come into force until such time as the same is sanctioned and legalized by an Act of the Legislature of Ontario to be applied for by the said corporation and company jointly, but at the expense of the latter.

Adopted and passed on the 8th day of October, A.D. 1894.

(Sgd.) D. ROBERTSON,
Mayor.

[Seal.]

(Sgd.) J. ROLLISON,
City Clerk.

No. 16.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-Law Number 944 of the City of St. Catharines.

First Reading, 1895.

(Private Bill.)

Mr. HISCOTT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 16.] BILL. [1895

An Act to confirm By-Law Number 944 of the City of St. Catharines.

Preamble.

WHEREAS the municipal corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company have by their joint petition represented that $40,000 of debentures issued by the said corporation under the provisions of by-law Number 354, passed by said corporation in aid of the said company, are now held by Bernard King and Richard Peterson, surviving trustees, to be delivered by them to the said company upon the fulfillment of certain conditions expressed in said by-law 354 and agreement and resolution referred to in by-law Number 944, passed by the said corporation on the 8th day of October, A.D. 1894, and which said last mentioned by-law is set out in Schedule A to this Act; and whereas the said corporation are the holders of a joint and several bond entered into by Lucius S. Oille and five other directors of the said company, dated the 18th day of July, A.D. 1888, conditioned as set forth in the said by-law Number 944; and whereas the said company have proposed to the council of the said corporation to surrender and redeliver to the said corporation the said $40,000 of debentures so remaining in the hands of said trustees upon condition that the said bond be delivered up by the said corporation to the said company for cancellation; and whereas said by-law Number 944 was passed by the council of said corporation for the purpose of carrying into effect the said proposed arrangement, subject, however, to confirmation by the Legislature of the Province of Ontario; and whereas the said corporation and the said railway company have by their petition prayed that an Act may be passed legalizing and confirming the said by-law, and for such other legislation as may be necessary to carry the same into effect; and whereas a large majority of the ratepayers of the said city of St. Catharines have also petitioned for such Act; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 944, respecting The St. Catharines and Niagara Central R.W. Co. confirmed.

1. The by-law passed by the municipal council of the corporation of the city of St. Catharines on the 8th day of October, A. D. 1894, numbered 944, and intituled a by-law

"To carry into effect certain proposed arrangements between the corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company," a copy of which by-law is set out in Schedule A to this Act, is hereby legalized, confirmed, and declared to be valid and binding upon the said municipal corporation and the said railway company respectively.

Provisions of by-law incorporated in Act.

2. The provisions of the said by-law shall have the same force and effect as if the same were incorporated in and enacted by this Act, and the said municipal corporation and company are hereby authorized and empowered to carry out the arrangement proposed and set forth in said by-law number 944.

Debentures held in trust under by-law 354 to be delivered up to city.

3. The said Bernard King and Richard Peterson, trustees, are hereby authorized and required upon the requisition of the said company to that effect, to re-deliver to the said corporation the said $40,000 of debentures—held by them in trust under the provisions of by-law 354 referred to in the preamble to this Act.

SCHEDULE A.

By-Law No. 944.

To carry into effect certain proposed arrangements between the corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company.

Whereas under the provisions of by-law No. 354, passed by the corporation of the city of St. Catharines on the 24th day of November, A. D. 1881, an agreement by The St. Catharines and Niagara Central Railway Company with said corporation, bearing date the 3rd day of December, A. D. 1883; a resolution passed by the council of said corporation bearing date the 5th day of December, A. D. 1883; and an Act of the Legislature of Ontario assented to on the 25th day of March, A. D. 1884, and numbered 72, debentures were issued by said corporation to the extent of $80,000 to aid the said company in the construction of their said railway, and were placed in the hands of Bernard King, Richard Peterson, and James Norris, trustees, duly appointed to hold the same, in trust, subject to the terms and conditions expressed in said by-law, agreement, and resolution;

And whereas $40,000 of said debentures have been handed over to the said company and a like amount still remains in the hands of the said Bernard King and Richard Peterson, the two surviving trustees, subject to the fulfillment by the said company of certain conditions expressed in said by-law, agreement, and resolution as aforesaid;

And whereas under the provisions of by-law No. 512 passed by the council of said corporation on the 15th day of June, A. D. 1886, debentures of the said company were guaranteed to the extent of $80,000 by the said corporation;

And whereas certain directors of said company, to wit: Lucius S. Oille, Sylvester Neelon, W. W. Greenwood, Henry A. King, John Carroll, and Edward A. Smyth, did execute and deliver to the said corporation their joint and several bond, bearing date the 18th day of July, A. D. 1888, conditioned to indemnify the said corporation against the payment of interest upon $40,000 of said guaranteed debentures until the said railway should be built to a point at or near the city of Hamilton;

And whereas large arrears of interest are due (by the obligors on said bond) and the said company have proposed to this council to surrender all claim of right to the $40,000 of said debentures so remaining in the hands of said trustees, and consent that such debentures shall be re-delivered to this corporation by the said trustees, free from any claim of right thereto by said company, upon condition that the said bond executed by the said Lucius S. Oille and others be delivered up by this corporation to the said company to be cancelled, such proposed arrangement to be subject to approval and confirmation by the Legislature of Ontario;

And whereas the board of directors of said company have passed a resolution to the effect set forth in the last preceding clause and submitted the same to this council, together with a large petition of the ratepayers, electors of said corporation, praying that said proposed arrangements be carried into effect;

And whereas it is expedient that the said proposed arrangement be carried out as prayed for in said petition;

Be it therefore enacted by the municipal corporation of the city of St. Catharines:

1. That upon the surrender of the said The St. Catharines and Niagara Central Railway Company and delivery up to be cancelled to the treasurer of the said the corporation of the city of St. Catharines by the surviving trustees in the recital mentioned of the $40,000 of debentures issued by the said corporation under the provisions of said by-law No. 354, the said agreement and resolution and the said Act of the Ontario Legislature in the recital mentioned, now remaining in their hands as aforesaid, within one month after the sanction and legalization of this by-law by the said Ontario Legislature, the mayor, treasurer, or other officer of the said corporation having the charge or custody of the bond entered into by the said Lucius S. Oille and others in the recital hereof mentioned is hereby authorized and required to deliver up the same to the said company for cancellation.

Provided that this by-law shall not come into force until such time as the same is sanctioned and legalized by an Act of the Legislature of Ontario to be applied for by the said corporation and company jointly, but at the expense of the latter.

Adopted and passed on the 8th day of October, A.D. 1894.

(Sgd.) D. ROBERTSON,
Mayor.

[Seal.]

(Sgd.) J. ROLLISON,
City Clerk.

No. 16.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-Law Number 944 of the City of St. Catharines.

First Reading, 19th March, 1895.
Second Reading, 29th March, 1895.

(Reprinted as amended by Committee of the Whole House.)

(Private Bill.)

Mr. HISCOTT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 17.] **BILL.** [1895.

An Act respecting the Hamilton Gas-Light Company.

Preamble.

WHEREAS by an Act of the Legislature of Ontario, passed in the 53rd year of Her Majesty's reign, chaptered 131 and intituled *An Act respecting the Hamilton Gas-Light Company*, section 40 of an Act passed in the session of the Parliament of Canada held in the 13th and 14th years of Her Majesty's reign, chaptered 136 and intituled *An Act to incorporate the Hamilton Gas-Light Company* was repealed; and, whereas, the corporation of the city of Hamilton were interested in having such section of said Act of incorporation continued in force, but by reason of the said Act of incorporation not being contained in any volume of the published Statutes of the Province of Canada, the said corporation was not aware that the effect of the repeal of said section 40 would be to give to the said company a perpetual franchise, and to grant to them the right to break up, dig and trench, for the purposes of the company, the streets, squares and public places of the city of Hamilton for an unlimited period, such right having been granted by said Act of incorporation until the twenty-fourth day of July, 1900, and no longer; and, whereas the said company gave no direct notice to said corporation of their intention to apply for such extended rights over the streets, squares and public places of the city of Hamilton and their published notice of application for said Act and the form of the Act applied for gave no such notice, and the said city corporation did not therefore oppose the passing of said Act; and whereas the corporation of the City of Hamilton have by their petition prayed that the question of the rights to be permitted to the said company should be fully considered, and that the enlargement and extension of such rights granted by the said Act passed in the 53rd year of Her Majesty's reign should be withdrawn, and the said Act granting such enlargement and extension of the rights of the company should be repealed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V., c. 131, s. 1 repealed.

1. So much of section 1 of chapter 131, of the Acts passed in the 53rd year of Her Majesty's reign, and intituled *An Act respecting the Hamilton Gas-Light Company* as repeals section 40 of the Act incorporating the said company is hereby repealed, and it is hereby enacted that the franchises, rights and privileges granted to the said company by the said Act of incorporation shall remain in force no longer than they would have remained in force if said section 40 of the said Act of incorporation, intituled *An Act to incorporate the Hamilton Gas-Light Company*, had not been repealed—that is to say, no longer than until the twenty-fourth day of July, 1900.

Duration of franchise of company.

No. 17.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act respecting the Hamilton Gas-Light Company.

First Reading, 1895.

(Private Bill.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 18.] **BILL.** [1895.

An Act to authorize the Corporation of the City of Hamilton to construct a Road upon their Waterworks Lands.

Preamble.

WHEREAS under an Act of the Legislature of the late Province of Canada, passed in the 19th year of Her Majesty's reign and chaptered 64, and an Act of the said Legislature passed in the 20th year of Her Majesty's reign chaptered 84, an Act of the said Legislature passed in the 23rd year of Her Majesty's reign chaptered 87, and an Act of the said Legislature passed in the 24th year of Her Majesty's reign chaptered 56, certain lands in the townships of Barton and Saltfleet, in the county of Wentworth, have become vested absolutely in the corporation of the city of Hamilton; and whereas the said corporation have, by their petition, prayed that authority may be given to them to construct and maintain a road upon and along that portion of said lands through which the main pipes for conveying water for the Hamilton waterworks are laid, and to fence in such portions of said lands as may be vested in the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

City authorized to construct road and fence waterworks lands.

1. The corporation of the city of Hamilton are hereby authorized to construct and maintain a road upon and along the lands in the townships of Barton and Saltfleet, in the county of Wentworth, through which the main pipes for conveying water for the Hamilton waterworks are laid and to fence in such portions of said lands as may be vested in the said city corporation, and to continue said road over other lands into the city of Hamilton, and to extend it easterly to Bartonville.

No. 18.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Corporation of the City of Hamilton to construct a Road upon their Waterworks Lands.

First Reading, 1895.

(Private Bill.)

Mr. MIDDLETON.

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 19.] **BILL.** [1895.

An Act to authorize the Trustees under the Marriage Settlement of Jane Prittie and Robert Woods Prittie to Mortgage the Trust Estate.

Preamble.

WHEREAS Humphrey Lloyd Hime and James Pearson, trustees under the marriage settlement of Jane Prittie and Robert Woods Prittie, have by their petition set forth that under the said marriage settlement, dated the first day of June, A.D. 1880, and registered in the registry office for the city of Toronto, on the 28th day of June, 1880, as number 1392 S. E. and 5857 N. W. and in the registry office for the county of York, on the 29th day of June, 1880, as number 11679, John Downey and Warring Kennedy were appointed trustees; and that subsequently and on or about the first day of March, 1889, the said John Downey and Warring Kennedy with the consent and approval of the cestui que trust conveyed the trust estate to Humphrey Lloyd Hime and James Pearson who thereby became and are now the trustees under the said marriage settlement; and that the trust estate consists for the most part of dwelling houses in the city of Toronto, which, for want of repairs, alterations and improvements have not been kept rented and will rapidly depreciate in value unless such repairs, alterations and improvements are made, and that it would be in the interest of the said estate to build upon the land now vacant, and that the trustees have no money belonging to said estate with which to make such repairs, alterations and improvements, and that it is desirable in the interests of the said estate that the trustees for the time being be given the power to borrow money on the said estate by way of mortgage or other security with the written consent and approval hereinafter mentioned, so that the moneys so realized may be invested in the repairs, alterations and improvements aforesaid; and whereas the said Jane Prittie and Robert Woods Prittie have given their written consent to the trustees being invested with the said power; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees empowered to mortgage trust estate.

1. In addition to the powers already vested in the said trustees in and by the said marriage settlement, the trustees

for the time being, upon obtaining the written consent and approval of Robert Woods Prittie and Jane Prittie in her lifetime, and after her death the consent and approval of Robert Woods Prittie and of the official guardian, are hereby authorized and empowered to mortgage, hypothecate or pledge the real or personal property now belonging to the said trust estate (or which may hereafter be acquired by the said trustees, under and in pursuance of the powers contained in the said settlement) or any part or parcel thereof, and may invest the moneys so borrowed in repairing, rebuilding, altering and improving any buildings or in erecting new buildings upon lands which now or may hereafter be vacant.

Lender no obliged to see to the application of the moneys borrowed.

2. No person lending money to the said trustees upon the security of any of the said property shall be under any obligation to ascertain that the moneys so borrowed are required for the purposes of said trust estate, nor shall such person be under any obligation to see to the application of the moneys so borrowed.

No. 19.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Trustees under the Marriage Settlement of Jane Prittie and Robert Woods Prittie to Mortgage the Trust Estate.

First Reading, 1895.

(Private Bill.)

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 19.] **BILL.** [1895.

An Act to authorize the Trustees under the Marriage Settlement of Jane Prittie and Robert Woods Prittie to Mortgage the Trust Estate.

Preamble.

WHEREAS Humphrey Lloyd Hime and James Pearson, trustees under the marriage settlement of Jane Prittie and Robert Woods Prittie, have by their petition set forth that under the said marriage settlement, dated the first day of June, A.D. 1880, and registered in the registry office for the city of Toronto, on the 28th day of June, 1880, as number 1392 S. E. and 5857 N. W. and in the registry office for the county of York, on the 29th day of June, 1880, as number 11679, John Downey and Warring Kennedy were appointed trustees; and that subsequently and on or about the first day of March, 1889, the said John Downey and Warring Kennedy with the consent and approval of the cestui que trust conveyed the trust estate to Humphrey Lloyd Hime and James Pearson who thereby became and are now the trustees under the said marriage settlement; and that the trust estate consists for the most part of dwelling houses in the city of Toronto, which, for want of repairs, alterations and improvements have not been kept rented and will rapidly depreciate in value unless such repairs, alterations and improvements are made, and that it would be in the interest of the said estate to build upon the land now vacant, and that the trustees have no money belonging to said estate with which to make such repairs, alterations and improvements, and that it is desirable in the interests of the said estate that the trustees for the time being be given the power to borrow money on the said estate by way of mortgage or other security with the written consent and approval hereinafter mentioned, so that the moneys so realized may be invested in the repairs, alterations and improvements aforesaid; and whereas the said Jane Prittie and Robert Woods Prittie have given their written consent to the trustees being invested with the said power; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees empowered to mortgage trust estate.

1. In addition to the powers already vested in the said trustees in and by the said marriage settlement, the trustees

for the time being, upon obtaining the written consent and approval of Robert Woods Prittie and Jane Prittie in her lifetime, and after *his* death the consent and approval of *Jane* Prittie, are hereby authorized and empowered to mortgage, hypothecate or pledge the real property now belonging to the said trust estate (or which may hereafter be acquired by the said trustees, under and in pursuance of the powers contained in the said settlement) or any part or parcel thereof, and may invest the moneys so borrowed in repairing, rebuilding, altering and improving any buildings or in erecting new buildings upon lands which now *are* or may hereafter *become* vacant *belonging to the said trust estate.*

Lender not obliged to see to the application of the moneys borrowed.

2. No person lending money to the said trustees upon the security of any of the said property shall be under any obligation to ascertain that the moneys so borrowed are required for the purposes of said trust estate, nor shall such person be under any obligation to see to the application of the moneys so borrowed.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Trustees under the Marriage Settlement of Jane Prittie and Robert Woods Prittie to Mortgage the Trust Estate.

First Reading, 12th March, 1895.

(Reprinted as amended by Private Bills Committee.)

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] BILL. [1895.

An Act to incorporate the Brantford, Port Dover and Galt Radial Electric Railway Company.

Preamble.

WHEREAS Thomas Elliott contractor, Charles H. Waterous, manufacturer, Patrick Louis Conner, manufacturer, Hugh McKenzie Wilson, queen's counsel, and Levi Secord, doctor of medicine, all of the city of Brantford, in the county of Brant, have prayed for an Act of incorporation under the name of "The Brantford, Port Dover and Galt Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the city of Brantford through the township of Brantford and through or near the town of Paris to a point in or near the town of Galt, in the county of Waterloo; also from the said city of Brantford through the townships of Brantford, Oakland and Townsend, to a point in or near the town of Simcoe, in the county of Norfolk, and thence to a point in or near the village of Port Dover; in the said county of Norfolk;, and whereas it is expedient to grant the prayer of the said petition,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Thomas Elliott, Charles H. Waterous, Patrick Louis Conner, Hugh McKenzie Wilson, and Levi Secord and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Brantford, Port Dover and Galt Radial Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain, and operate iron or steel railways to be operated by electricity with double or single iron or steel tracks, from the city of Brantford through the township of Brantford and through or near the town of Paris to a point in or near the town of Galt, in the county of Waterloo; and also from the said city of Brantford through the townships of Brantford, Oakland and Townsend to a point in or near the town of Simcoe, in the county of Norfolk, and thence to a point in or near the village of Port Dover, in the said county of Norfolk, and the said

railways or either of them may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and may make and enter into any agreements with any municipal corporation or road company as to the terms of the occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring rights for electric lighting.

3. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters.

Gauge.

4. The gauge of the said railway shall be four feet eight and one half inches.

Provisional directors.

5. The said Thomas Elliott, Charles H. Waterous, Patrick Louis Conner, Hugh McKenzie Wilson, and Levi Secord, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter

into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment such exclusion will best secure the building of the said railways and all meetings of the provisional board of directors shall be held at the city of Brantford, in the county of Brant, or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 170.

7. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railways and to other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

Capital stock.

Rev. Stat. c. 170.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock when binding.

First election of directors.

9. When as soon as shares to the amount of $100,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette*, and at least one newspaper published in the said city of Brantford of the time, place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office. General annual meeting.

11. The head office of the said company shall be at the said City of Brantford, and the general annual meetings of the shareholders of the said company shall be held in such place in the said City of Brantford, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said City of Brantford during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

13. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of the stock in the said company upon which all calls have been paid.

Power to construct line in sections.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the

lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than six miles in length; and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys." Rev. Stat. c. 170.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act; and provided also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company. Power to acquire lands.

16. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders, in the said company, and all such shareholders, whether Rights of aliens.

resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricity.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating or for Supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Use of highways by company.

18. Wherever any of the said railways, or their cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railways or their cars, carriages, engines, motors or machinery as aforesaid shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity on the same, or to endanger the same.

Crossing railways at grade.

19. Except in cities, towns and incorporated villages the railway of any company (operated by steam) shall not be crossed or intersected by the railways of the company hereby incorporated at grade.

Issue of debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the province of Ontario; provided that if the said heads of the

Proviso.

municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trust of proceeds of debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the province of Ontario in the name of "The Brantford Port Dover and Galt Radical Electric Railway Municipal Trust Account" and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule "B" hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

22. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any electric motors, carriages, cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed upon; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the

electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Agreements with electric light companies.

24. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring or power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed.

Telegraph and telephone lines.

25. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the said company; provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Issue of bonds.

26. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not in all exceed the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 170.

Calls on stock.

27. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Payments in stock or bonds.

28. The said directors or provisional directors may pay, or agree to pay, in paid up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the share-

holders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

29. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with the proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Conveyances of land to company.

30. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule "A" to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Mortgaging or pledging bonds.

31. The said company may from time to time for advances of money to be made thereon mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railways.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over

which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 170.

Acquiring material for construction.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railways or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which the materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 170.

Sidings to gravel pits.

34. (1)—When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

Rev. Stat., c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 170.

Aid to railway.

35. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Gifts of lands.

36. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities

37. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Submitting bonus by-laws.

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

39. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (*as the case may be*) mentioned in the petition by the issue of the debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (*as the case may be*) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

40. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portion thereof, comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

41. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

42. Before any such by-law is submitted the railway shall if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law submitted.

43. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by ratepayers.

44. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

45 In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

46. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a certain portion of a township municipality to the same extent as if the same has been passed by or for the whole municipality. Application of provisions of 55 V. c. 42.

47. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no extension shall be for a longer period than one year. Councils may extend time for commencement.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time. Councils may extend time for completion

49. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; Extent of aid from municipalities.

provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

50. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

52. The company shall have full power to purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such lands as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways.

Payment of back charges on goods.

53. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on the payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

54. The directors of the said company may enter into a contract or contracts with any individual or association or individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no

such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation of provisions of Rev. Stat., c. 170.

55. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said railway Act, and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

56. The said railways shall be commenced within two years and completed to the extent of a through connection with either Port Dover or Galt aforesaid within three years, and finally completed within five years after the passing of this Act.

SCHEDULE A.

(*Section 30.*)

Know all men by these presents that I (*or* we) (insert the name or names of the vendor or vendors), in consideration of dollars paid to me (*or* us) by the Brantford, Port Dover and Galt Radial Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (describe the land), the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Brantford, Port Dover and Galt Radial Electric Railway Company, their successors and assigns, forever (here insert any other clauses, covenants and conditions required), and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , one thousand eight hundred and .

Signed, sealed and delivered in the presence of : } L. S.

SCHEDULE B.

(Section 21.)

CHIEF ENGINEER'S CERTIFICATE.

The Brantford, Port Dover and Galt Radial Electric Railway Company's office.

No. . A.D. 189 .

ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on The Brantford, Port Dover and Galt Radial Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, chief engineer of the Brantford, Port Dover and Galt Radial Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. , of the township of , (*or* under the agreement dated the day of , 18 , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

No. 20.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Brantford, Port Dover and Galt Radial Electric Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] BILL. [1895.

An Act to incorporate the Brantford, Port Dover and Galt Radial Electric Railway Company.

Preamble.

WHEREAS Thomas Elliott contractor, Charles H. Waterous, manufacturer, Patrick Louis Conner, manufacturer, Hugh McKenzie Wilson, queen's counsel, and Levi Secord, doctor of medicine, all of the city of Brantford, in the county of Brant, have prayed for an Act of incorporation under the name of "The Brantford, Port Dover and Galt Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the city of Brantford through the township of Brantford and through or near the town of Paris and through the townships of South Dumfries and North Dumfries, to a point in or near the town of Galt, in the county of Waterloo; also from the said city of Brantford through the townships of Brantford, Oakland and Townsend, to a point in or near the town of Simcoe, in the county of Norfolk, and thence through or between the townships of Windham, Charlotteville and Woodhouse to a point in or near the village of Port Dover, in the said county of Norfolk; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Thomas Elliott, Charles H. Waterous, Patrick Louis Conner, Hugh McKenzie Wilson, and Levi Secord and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Brantford, Port Dover and Galt Radial Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain, and operate iron or steel railways to be operated by electricity with double or single iron or steel tracks, from the city of Brantford through the township of Brantford and through or near the town of Paris and through the townships of South Dumfries and North Dumfries to a point in or near the

town of Galt, in the county of Waterloo; and also from the said city of Brantford through the townships of Brantford, Oakland and Townsend to a point in or near the town of Simcoe, in the county of Norfolk, and thence through or between the townships of Windham, Charlotteville and Woodhouse to a point in or near the village of Port Dover, in the said county of Norfolk, and the said railways, or either of them, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Provisional directors.

3. The said Thomas Elliott, Charles H. Waterous, Patrick Louis Conner, Hugh McKenzie Wilson, and Levi Secord, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of provisional directors.

4. All meetings of the provisional board of directors of the said company shall be held at the city of Brantford, in the county of Brant, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $600,000, to be divided into 6,000 shares of $100 each.

Directors.

6. The board of directors of the said company shall consist of seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

7. The head office of the said company shall be at the said city of Brantford.

Application of Electric Railway Act.

8. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them,

except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *electric* railway Act, and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

9. The said railways shall be commenced within two years and completed to the extent of a through connection with either Port Dover or Galt aforesaid within three years, and finally completed within five years after the passing of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Brantford, Port Dover and Galt Radial Electric Railway Company.

First Reading, 13th March, 1895.
Second Reading, 5th April, 1895.

(*Reprinted as amended by Railway Committee.*)

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 21.] **BILL.** [1895.

An Act to incorporate The Grand Valley Railway Company.

Preamble.

WHEREAS, Allan Bowman and James R. Pedder of the township of Waterloo, Alexander Black Robertson of the township of Wellesley, W. D. Turnbull of the town of Galt, Thomas Bridger, George A. Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, and Herbert J. Bowman of the town of Berlin, Frederick Colquhoun and Thomas M. Burt of the town of Waterloo, all in the county of Waterloo, and Henry New of the city of Hamilton in the county of Wentworth, have by their petition prayed for an Act to incorporate a railway company to be known as "The Grand Valley Railway Company" (or by such other name as may be determined upon) with power to construct, maintain and operate, a steam or electric railway or railway operated partly by steam power and partly by electric power with double or single iron or steel tracks from the town of Berlin in the county of Waterloo, southerly in the valley of the Grand River to a point at or near the city of Brantford, in the county of Brant, and from the said town of Berlin northwesterly to the town of Listowel in the county of Perth or westerly to the city of Stratford, in said county of Perth or northerly to the village of Elora, in the county of Wellington, and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Allan Bowman, James R. Pedder, Alexander Black Robertson, W. D. Turnbull, Thomas Bridger, George Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, Herbert J. Bowman, Frederick Colquhoun, Thomas M. Burt and Henry New and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Grand Valley Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and

operate a railway with double or single iron or steel tracks, said railway to be operated by steam power or electric power or partly by steam power and partly by electric power from the town of Berlin, in the county of Waterloo, southerly in the valley of the Grand River to a point at or near the city of Brantford in the county of Brant, and from the said town of Berlin, northwesterly to the town of Listowel in the county of Perth, or westerly to the city of Stratford in said county of Perth or northerly to the village of Elora, in the county of Wellington, and the said railway or any part thereof, may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring rights for electric lighting.

3. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railway by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same.

Gauge.

4. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors.

5. The said Allan Bowman, James R. Pedder, Alexander Black Robertson, W. D. Tumbull, Thomas Bridger, George Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, Herbert J. Bowman, Frederick Colquhoun, Thomas M. Burt and Henry New, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall

hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of Provisional Directors.

6. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers, as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Berlin in the said county of Waterloo, or at such other place as may best suit the interest of the said company.

Conveyances of land to company.

7. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Subscriptions for stock when binding.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be ap-

proved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

9. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c. 170.

10. The capital stock of the company hereby incorporated shall be $300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into three thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors.

11. When and as soon as shares to the amount of $30,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in *The Ontario Gazette* and in at least one newspaper published in the said town of Berlin of the time, place and purpose of the said meeting.

Number of directors and quorum.

12. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by

them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. Rev. Stat., c. 170.

13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon. Qualification of directors.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than six miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys." Power to construct line in sections.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities Power to acquire lands.

wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of six years from the passing of this Act; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Power to acquire water privileges.

16. The said company is hereby authorized to purchase, lease, or acquire by voluntary donation or otherwise and to hold for any estate in the same and to sell, lease, alienate or mortgage any water privilege or privileges upon the Grand River or any of its tributaries and any lands or premises required for the use of any water privilege or privileges, and the said company is hereby authorized to use the same by the construction of a dam or dams subject to the provisions of the *Act respecting Water Privileges.*

Rev. Stat., c. 119.

Rights of aliens.

17. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricity.

18. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat., c. 165.

Use of highways by company.

19. Wherever the said railway, or its cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between

the said company and the municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and subject also, in all municipalities, except cities, towns and incorporated villages to the written consent first being obtained of one-half in number of the owners of property fronting on such street or highway where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway, or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Issue of debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within three months after the passing of the by-law authorizing the same, be delivered, to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Grand Valley Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said com-

pany becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

22. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

23. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Transfer of bonds.

24. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

25. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction aud authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize

the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging or pledging bonds.

26. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

27. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, locomotives, carriages, cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements with electric light companies.

28. The company shall have power to enter into an agreement or agreements with any electric light company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railway hereby authorized to be constructed.

Telegraph and telephone lines.

29. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Calls on stock.

30. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 32 of this Act.

Payments in stock or bonds.

31. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office, general annual meeting.

32. The head office of the said company shall be at the said town of Berlin, and the general annual meeting of the shareholders of the said company shall be held in such place in the town of Berlin, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the town of Berlin during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

33. Special general meetings of the shareholders of the said company may be held at such place, and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

34. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shalll pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Submitting bonus by-laws.

35. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

36. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

Petition against aid from county.

37. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the

railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

38. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Deposit to be made before by-law is submitted.

39. Before any such by-law is submitted, the railway company, shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

40. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

41. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rates on portion of municipality.

42. In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

43. The provisions of *The Consolidated Municipal Act 1892* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

44. The councils of all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Council's may extend time for completion.

45. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said com-

pany, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time provided that no such extension shall be for a longer period than one year at a time

Extent of aid from municipalities.

46. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, then three cents in the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

47. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

48. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

49. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to

Rev. Stat. c. 170.

time as they may deem expedient ; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring material for construction.

50. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway ; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid ; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary ; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

51.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 170.

Branch lines.

52. The company may construct a branch or branches not exceeding 12 miles in length, from any point on the railway of the company, for the purpose of connecting with any existing railway or any railway that may hereafter be built, or for any other purpose of public advantage, and all the clauses of this Act shall apply as fully to the said branch or branches as to the main line or sections of the said railway.

53. The said company shall have power to lease or otherwise obtain the use or control of any branch or section of any railway or street railway at present in operation (or that may hereafter be constructed) for the purpose of operating the same as part of their system, and to agree for connections and make running arrangements with any existing railway company if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall be lawful for the said company to enter into any agreement with any railway company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, and the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Arrangements with other companies.

54. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

55. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose. Warehouses, etc.

56. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges on goods.

Contracts for construction and equipment.

57. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock ; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation of provisions of Rev. Stat., c. 170.

58. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

59. The railway shall be commenced within three years and finally completed within six years after the passing of this Act.

SCHEDULE A.

(*Section 7.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Grand Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Grand Valley Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

SCHEDULE B.

(Section 21.)

Chief Engineer's Certificate.

The Grand Valley Company's Office.
No. . A.D. 18 . .

Engineer's Department.

Certificate to be attached to cheques drawn on The Grand Valley Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign:

I, A. B., Chief Engineer of the Grand Valley Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of *(or* under the agreement dated the day of 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of *(here set out the terms and conditions, if any, which have been fulfilled).*

No. 21.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Grand Valley Railway Company

First Reading, , 1895.

(Private Bill.)

Mr. ROBERTSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 21.] BILL. [1895.

An Act to incorporate The Grand Valley Railway Company.

Preamble.

WHEREAS, Allan Bowman and James R. Pedder of the township of Waterloo, Alexander Black Robertson of the township of Wellesley, W. D. Turnbull of the town of Galt, Thomas Bridger, George A. Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, and Herbert J. Bowman of the town of Berlin, Frederick Colquhoun and Thomas M. Burt of the town of Waterloo, all in the county of Waterloo, and Henry New of the city of Hamilton in the county of Wentworth, have by their petition prayed for an Act to incorporate a railway company to be known as "The Grand Valley Railway Company," with power to construct, maintain and operate, a steam railway from the town of Berlin in the county of Waterloo, in a southerly direction, passing through the townships of Waterloo and North Dumfries, in the said county of Waterloo, and the townships of South Dumfries and Brantford, in the county of Brant, to a point at or near the city of Brantford; and from the said town of Berlin in a northwesterly direction, passing through the townships of Waterloo, Woolwich and Wellesley, in the county of Waterloo, and the townships of Mornington and Wallace, in the county of Perth, and the townships of Peel and Maryborough, in the county of Wellington, to the town of Listowel in the said county of Perth; and with power to construct and operate a branch line westerly from the village of Erbsville, in the township of Waterloo, passing through the townships of Woolwich, Wellesley and Wilmot, in the county of Waterloo, and the township of North Easthope, in the county of Perth, to the city of Stratford, in the said county of Perth, and northerly from the town of Berlin, passing through the townships of Waterloo and Woolwich, in the county of Waterloo, and the township of Pilkington, in the county of Wellington, to the Village of Elora, in the said county of Wellington; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Allan Bowman, James R. Pedder, Alexander Black Robertson, W. D. Turnbull, Thomas Bridger, George Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, Herbert J. Bowman, Frederick Colquhoun, Thomas M. Burt and Henry

New and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Grand Valley Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a *steam* railway with double or single iron or steel tracks, from the town of Berlin, in the county of Waterloo, in a southerly direction, passing through the townships of Waterloo and North Dumfries, in the said county of Waterloo, and the townships of South Dumfries and Brantford, in the County of Brant, to a point at or near the city of Brantford; and from the said town of Berlin in a northwesterly direction, passing through the townships of Waterloo, Woolwich and Wellesley, in the county of Waterloo, and the townships of Mornington and Wallace, in the county of Perth, and the townships of Peel and Maryborough, in the county of Wellington, to the town of Listowel, in the said county of Perth; and with power to construct and operate a branch line westerly from the village of Erbsville, in the township of Waterloo, passing through the townships of Woolwich, Wellesley and Wilmot, in the county of Waterloo, and the township of North Easthope, in the county of Perth, to the city of Stratford, in the said county of Perth, and northerly from the town of Berlin through the townships of Waterloo and Woolwich, in the county of Waterloo, and the township of Pilkington, in the county of Wellington, to the village of Elora, in the said county of Wellington.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors.

4. The said Allan Bowman, James R. Pedder, Alexander Black Robertson, W. D. Turnbull, Thomas Bridger, George Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, Herbert J. Bowman, Frederick Colquhoun, Thomas M. Burt and Henry New, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of Provisional Directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers, as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion,

exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Berlin in the said county of Waterloo, or at such other place as may best suit the interest of the said company.

Conveyances of land to company.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Subscriptions for stock when binding.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c. 170.

9. The capital stock of the company hereby incorporated shall be $300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into three thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing

and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors.

10. When and as soon as shares to the amount of $30,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting *by advertisement* in *The Ontario Gazette* and in at least one newspaper published in the said town of Berlin of the time, place and purpose of the said meeting.

Number of directors and quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act *and The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to construct line in sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length

of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than *ten* miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys."

Power to acquire lands.

14. The said company is hereby authorized to purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; *provided also that such park or pleasure grounds shall not be opened to the public on the Lord's Day; and* provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of *four* years from the passing of this Act; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Rights of aliens.

15. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Issue of debentures.

16. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within *six* months after the passing of the by-law authorizing the same, be delivered, to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council

Trusts of proceeds of debentures.

17. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Grand Valley Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said *railway* for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

18. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the

issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as *said section is* amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonds, etc., how payable.

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Negotiable instruments.

Mortgaging or pledging bonds.

22. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on ; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use

by one or more of such contracting companies, of the carriages, rolling stock and other movable propertyof the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Telegraph and telephone lines.

24. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company ; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company ; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Calls on stock.

25. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section *27* of this Act

Payments in stock or bonds.

26. The provisional directors, or the elected directors, may pay, or agree to pay, in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office, general annual meeting.

27. The head office of the said company shall be at the said town of Berlin, and the general annual meeting of the shareholders of the said company shall be held in such place in the *said* town of Berlin, on such days and at such hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the *said* town of Berlin during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

28. Special general meetings of the shareholders of the said company may be held at such place, and at such times and in

such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

29. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shalll pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained ; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of *the* municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting bonus by-laws.

30. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and *the* amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

31. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

Petition against aid from county.

32. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

33. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Deposit to be made before by-law is submitted.

34. Before any such by-law is submitted, the railway company, shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

35. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

36. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or

other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rates on portion of municipality.

37. In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

38. The provisions of *The Consolidated Municipal Act 1892* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

39. The councils *for* all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

40. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time provided that no such extension shall be for a longer period than one year at a time

Extent of aid from municipalities.

41. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, then three cents in the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

42. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal

rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

43. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring material for construction.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause *an Ontario* land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

46.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 170.

Arrangements with other companies.

47. The said company shall have power to agree for connections and make running arrangements with The Grand Trunk Railway *Company* of Canada, the Galt, Preston and Hespeler Street Railway Company, and the Berlin and Waterloo Street Railway Company, or either of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall *also* be lawful for the said company to enter into an agreement with the said railway companies or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, *if* the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of shares.

48. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates

issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, etc.

49. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Payment of back charges on goods.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

51. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation of provisions of Rev. Stat., c. 170.

52. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the *said* company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

53. The railway shall be commenced within three years and finally completed within *five* years after the passing of this Act.

SCHEDULE A.

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Grand Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party*

or parties) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Grand Valley Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

SCHEDULE B.

(*Section 17.*)

Chief Engineer's Certificate.

The Grand Valley Company's Office.
No. A.D. 18

Engineer's Department.

Certificate to be attached to cheques drawn on The Grand Valley Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign:

I, A. B., Chief Engineer of the Grand Valley Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of (*or* under the agreement dated the day of 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 21.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Grand Valley Railway Company

First Reading, 13th March, 1895.
Second Reading, 5th April, 1895.

(*Reprinted as amended by Railway Committee*).

(Private Bill.)

Mr. ROBERTSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 22.] **BILL.** [1895.

An Act to consolidate the Debt of the Village of Oil Springs.

Preamble.

WHEREAS the corporation of the village of Oil Springs, in the county of Lambton, have by their petition represented that they have incurred debts and liabilities for various purposes to the extent of $14,143.01, for which amount debentures have been issued under the authority of various by-laws, and are also indebted to the extent of $3,800 for floating liabilities unsecured by debentures and unprovided for and which could not be provided for without rendering the taxation unduly oppressive to the ratepayers; and whereas the said corporation by their petition have prayed that the said secured and unsecured debts may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at $14,143.01.

1. The said debts of the village of Oil Springs consisting of the aforesaid debenture debts of $14,143.01, and the floating debt of $3,800, are hereby consolidated at the sum of $17,943.01, and it shall be lawful for the corporation of the said village of Oil Springs to raise by way of loan, on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to $14,143.01 as they respectively become due, and to pay off the floating debt amounting to $3,800, not exceeding in the whole the sum of $17,943.01, exclusive of interest thereon.

Issue of debentures.

2. It shall be lawful for the said corporation of the village of Oil Springs from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer, for the time being in such sums not exceeding $17,943.01 in the whole as the said corporation may from time to time direct and the principal sum secured by the said debentures,

and the interest accruing thereon may be payable either in this Province, or Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Power to raise money on debentures.

3. The corporation of the said village may, for the purpose in section 7 hereof mentioned, raise by way of loan on the said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly at the places mentioned therein and in the coupons attached thereto and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Debentures how payable.

5. A portion of the $17,943.01 of debentures to be issued under this Act shall be made payable each year for a period not exceeding twenty years from the issue thereof, and may be for less than $100 each, so that the aggregate amount payable for principle and interest in any one year shall be equal as nearly as may be to what is payable for principle and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "consolidated debenture rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the village of Oil Springs to the amount of $14,143.01 and in payment of the floating debt of $3,800 and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "consolidated debt debentures."

Calling in outstanding debentures.

8. The treasurer of the said village shall on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures

or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said village of Oil Springs to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*. 55 V. c. 42.

Books of account to be kept.

11. It shall be the duty of the treasurer, from time to time, of the said village, to keep and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village or of any of the holders from time to time of the debentures which shall be issued under the powers hereby confirmed or of any such debentures.

Indebtedness of municipality not discharged.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the village of Oil Springs from any indebtedness or liability which may not be included in the said debt of the said village of Oil Springs.

Form of debenture and by-law.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Inconsistent provisions not to apply.

14. Any provisions in the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authoriz-

ing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

15. This Act may be cited as *The Village of Oil Springs Debenture Act, 1895.*

SCHEDULE A.

(*Section 13.*)

No. $

CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of *The Village of Oil Springs Debenture Act, 1895,* and by virtue of by-law No. of the corporation of the village of Oil Springs, passed under the provisions contained in the said Act, the corporation of the village of Oil Springs promise to pay to the bearer at in the sum of on the day of one thousand hundred and and the yearly coupons attached as the same shall severally become due.

Dated at the village of Oil Springs, in the county of Lambton, this day of A. D.

Mayor.
Treasurer.

SCHEDULE B.

(*Section 13.*)

By-law No. to authorize the issue of debentures under the authority of *The Village of Oil Springs Debenture Act, 1895.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as "consolidated debt debentures," not exceeding the sum of $ in the whole as the corporation of the village of Oil Springs may in pursuance of and in conformity with the provisions of the said Act direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable on the day of

and on the day of (*or as the case might be*) at with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said village of Oil Springs according to the last revised assessment roll of the said village being for the year was $

Therefore, the municipal corporation of the village of Oil Springs hereby enacts as follows:—

1. That debentures under the said Act and for the purpose therein mentioned to be known as "consolidated debt debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly on the first day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and ninety-

No. 22.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Debt of the Village of Oil Springs.

First Reading 1895.

(Private Bill.)

Mr. GURD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 23.] **BILL.** [1895.

An Act respecting the Town of Gananoque.

Preamble.

WHEREAS the municipal council of the town of Gananoque has by petition represented that disastrous loss to the town has resulted from the removal to another locality of a large industry that lately carried on operations in the said town, the said industry having assumed another corporate name and received a bonus of $50,000, in order to secure the said removal, and that many of the inhabitants of the said town have in consequence been thrown out of employment and have prayed that in order to regain the said loss and to furnish employment to the inhabitants, special powers may be granted to enable them to secure the establishment within the said town of Gananoque of an industrial enterprise or enterprises, and in particular the establishment and continuance in the said town of Gananoque of a carriage factory recently incorporated as "The Thousand Island Carriage Company Limited;" and whereas, the case of the said town of Gananoque is for the reasons aforesaid exceptional; and whereas, it is expedient to grant the prayer of the said petition,

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Municipal aid to industrial enterprises.

1. Subject as hereinafter provided it shall be lawful for the corporation of the town of Gananoque to grant aid by way of loan or bonus or to guarantee the interest upon a loan of $10,000 for the term of ten years to secure the establishment of an industrial enterprise or enterprises within the said town, and in the event of the granting of aid by bonus to issue debentures for the amount required for the purposes aforesaid, and to exempt from taxes, rates and assessments, other than school taxes, for a term not exceeding twenty years, the property of such enterprise or enterprises, and to do all other acts in the premises as if the power to grant bonuses was still vested in the municipalities.

Exemption from taxes.

By laws granting bonuses to be submitted to to the electors.

2. No such aid by way of loan, bonus, subscribed stock or grants of lands, or any of them, shall be given until after the passing of by-laws by the municipal council for the purpose, and the adoption of such by-laws by the qualified electors, as

55 V. c. 42. provided in *The Consolidated Municipal Act, 1892*, with respect to by-laws, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

Assent of two-thirds of ratepayers required.

3.—(1) Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishment, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed, shall be necessary in order to the carrying of the by-law.

Protection to established industries.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without a bonus.

Removal of industries from other municipalities

(3) No bonus shall be granted by the municipality to secure the removal thereto of an industry already established elsewhere in this Province.

Limit of municipal taxation.

(4) No bonus shall be granted in aid of any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Certificate of clerk as to majority. 55 V. c. 42.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law shall further certify whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Scrutiny of votes.

5. In case of dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Proceeding for contesting result of submission of by-law to electors.

6. The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be in the case of a scrutiny.

Application of certain sections of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319, and 321 to 328 inclusive, of *The Consolidated Municipal Act, 1892*, and their sub-sections, shall form part of this Act.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issues of debentures, and the time and manner of repayment of the same, shall apply and be read as part of this Act. Application of certain provisions of 55 V. c. 42.

9. No by-law for the purpose of granting aid in pursuance of the provisions of this Act shall be valid, unless duly passed within five years after the passing of this Act. By-laws to be passed within five years after Act.

No 23.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Gananoque.

First Reading, 1895.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 24.] **BILL.** [1895.

An Act respecting By-laws numbers 680 and 761 of the City of Hamilton.

Preamble.

WHEREAS Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the Hamilton Iron and Steel Company (Limited) and the municipal corporation of the city of Hamilton, have petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 24th day of July, A.D., 1893, after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton who were entitled to vote intituled "By-law number 680 for granting a bonus of $75,000 "for the promotion of iron smelting works and the further "sum of $60,000 for the promotion of steel smelting works in "or immediately adjacent to the city of Hamilton," a copy of which said by-law is contained in schedule A to this Act; and also to ratify, confirm and legalize a by-law of the municipal corporation of the said city of Hamilton passed on the 14th day of December, A.D. 1894, intituled "By-law number "761 to extend the time for completion of the iron smelting "works," a copy of which said last mentioned by-law is contained in schedule B to this Act; and whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson and other persons were duly incorporated by letters patent under and by virtue of *The Ontario Joint Stock Companies Letters Patent Act*, on the eighth day of November, A. D. 1893, under the name of the Hamilton Iron and Steel Company (Limited) for the purpose of carrying on the said iron and steel smelting works and for other purposes; and whereas the Hamilton Iron and Steel Company (Limited) hereinafter called "the company" has by its petition prayed that an Act may be passed confirming the said letters patent and authorizing and empowering the company to construct and maintain a tramway or railway to be operated by steam, electricity or other motive power to connect the works of the company situate and being constructed on part of lots numbered seven in the broken front and first concessions of the township of Barton with its quarry property situate on part of lot number seven in the third concession of the said township, and also to construct, maintain and

operate such other tramways or railways in connection with the mines and properties acquired or to be acquired by it as are needed for its business, and to acquire by expropriation under *The Railway Act*, or otherwise any and all lands necessary for right of way for the purpose of such tramway; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No 680 confirmed.

1. The said by-law numbered 680 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule A to this Act is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-law No. 576 confirmed.

2. The said by-law numbered 761 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule B to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-laws to be binding on certain persons and property.

3. It is hereby declared that the said by-laws numbers 680 and 761 passed by the municipal council of the said city of Hamilton as aforesaid and all the conditions and agreements therein contained are and shall be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns and upon the land conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-laws and the plant, buildings machinery and appurtenances thereon or thereto belonging.

Amendment of By-law 680 by By-law 761.

4. It is hereby further declared that the said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of said by-law number 761 and of this Act.

Irregularities in form not to invalidate debentures.

5. No irregularity in the form of the debentures issued or to be issued under the said by-laws or under either of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for

the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Assent of electors not required to By-law 761.

6. It shall not be necessary to obtain the assent of the electors of the said city of Hamilton to the passing of the said by-law number 761 or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or any Act amending the same. 55 V. c. 42.

Letters Patent incorporating the Hamilton Iron and Steel Company confirmed.

7. The letters patent set out in schedule C to this Act and granted under *The Ontario Joint Stock Companies' Letters Patent Act* to the Hamilton Iron and Steel Company (Limited), are hereby ratified and confirmed and held as binding as if originally granted by an Act of the Legislative Assembly of the Province of Ontario and all proceedings taken by the company in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said letters patent had been originally granted by an Act of the Legislative Assembly of Ontario.

Power to construct tramways.

8. The said company is hereby further authorized to construct and maintain a tramway or railway with all necessary side tracks and turnouts to connect the works of the company situate and being constructed on parts of lots numbered seven in the broken front and first concession of the township of Barton with its quarry property situate on part of lot number seven in the third concession of the said township, and to operate the same by steam, electricity or other motive power, and also to construct, maintain and operate such other tramways or railways in connection with the mines and properties acquired or to be acquired by it as are needed for its business; and to acquire by expropriation under *The Railway Act of Ontario*, or otherwise any and all lands necessary for right of way for the purposes of all such tramways or railways. Rev. Stat. c. 170.

Construction of line in sections.

9. The company may take and make the surveys and levels of the land upon, through, over or under which the said tramways or railways are to pass or to be operated, together with the map or plan thereof and of the course or direction of the said tramways or railways and of the lands intended to be passed over, through or under so far as then ascertained, and also the book of reference for the works, and deposit the same as required by *The Railway Act of Ontario*, with respect to plans and surveys by sections or portions less than the whole length of the works authorized, and of such length as the company may, from time to time see fit, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said works, all and every of the clauses of *The Railway Act of Ontario* applied to, included in or incorporated with this Act shall apply and extend to any and each of said sections or portions of said works as fully and effectually as if the said Rev. Stat. c. 170.

surveys and levels had been taken and made of the lands upon, through, over or under which the said works are to pass, together with a map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed through, over or under and taken or affected and as if the book of reference for the whole of the said works had been taken, made, examined, certified and deposited according to the said clauses of *The Railway Act of Ontario* with respect to plans and surveys.

Rev. Stat. c. 170.

Time for commencement and completion of works.

10. The construction of the said works shall be commenced within three years and shall be completed within six years from the passing of this Act.

Applications of certain provisions of Rev. Stat. c. 170

11. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "municipalities taking stock," and "actions for indemnity and fines and penalties and their prosecution" are incorporated with and shall form part of this Act, and shall so far as applicable, and when not inconsistent with the express enactments of this Act apply to the company and the tramways or railways to be constructed by it as if the said sections had been specially set out in this Act and as if the said company had been specially named in the said sections.

Form of conveyances of land to company.

12. Conveyances of land or interests in land to the said company for the purposes of this Act made in the form set forth in the schedule D hereunto annexed or to the like effect shall be sufficient conveyances to the company its successors and assigns of the interest or estate therein mentioned of all persons executing the same and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of this Province and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates.

Aid to company.

13. The company may receive from any government, or municipal corporation or from any person or bodies corporate or politic, aid towards the construction, equipment and maintenance of the works authorized under said letters patent and this Act to be undertaken, by way of gift, bonus or loan of money or debentures or other securities for money or real estate or by way of guarantee.

Contracts for construction or equipment.

14. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction and equipment of the works authorized by said letters patent and this Act or any portion thereof and to pay therefor either in cash or bonds or in paid up stock or otherwise as may be deemed expedient.

15. Aliens and foreign corporations as well as British subjects and whether residing in Canada or elsewhere may be shareholders in the company and all such shareholders shall be entitled to vote on their shares equally with British subjects, and aliens shall also be eligible to hold office as directors of the company. Rights of aliens.

SCHEDULE A.

By Law No. 680.

Passed 24th. July, 1893.

For granting a bonus of $75,000 for the promotion of iron smelting works, and the further sum of $60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

Whereas, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, have proposed to establish smelting works in or immediately adjacent to the city of Hamilton, and to expend upon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for such works, the sum of not less than $400,000, the whole of such works to be completed and ready for operation before the 31st. day of December, 1894, and to have a capacity to turn out at least one hundred and fifty tons of pig iron per day, and in consideration of their carrying out such proposal the corporation of the city of Hamilton have agreed by way of bonus for the promotion of said iron smelting works to procure and convey to them the lands hereinafter described upon and subject to the conditions hereinafter contained, and also to pay them a bonus in debentures of the said corporation to the amount of $40,000, provided that the said works shall have been completed and ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, before the 31st. day of December 1894, and that the sum of $400,000 shall then have been expended upon such works.

And whereas, the said corporation have agreed to grant to the said parties, their executors, administrators or assigns the further sum of $60,000 provided they shall before the 31st. day of December ,1896, complete and have ready for operation on the lands hereinafter described, steel smelting works for the manufacture of steel, and shall by that date have expended upon the buildings, plant, machinery and appliances necessary for such steel smelting works, the sum of $400,000 in addition to the moneys expended upon the iron smelting works hereinbefore mentioned.

And whereas, in order to provide for the purchase of the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, Willam Foster, Jr. and Edward H. Thompson, it will be necessary to issue debentures of this municipality for the sum of $35,000 payable as hereinbefore provided.

And whereas, for the payment of the bonus of $40,000 hereinbefore mentioned it may be necessary to issue debentures of this municipality for the further sum of $40,000, payable as hereinafter provided.

And whereas, for the payment of the bonus of $60,000 hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of $60,000, payable as hereinafter provided.

And whereas, it will be requisite to raise by special rate for paying the debentures for $35,000 hereinbefore first mentioned and interest thereon, the sum of $2,575.65 annually during the currency of such debentures.

And whereas it will also be requisite to raise by special rate, for paying the debentures for $40,000, hereinbefore secondly mentioned, and interest thereon, the sum of $3,160.00 annually during the currency of such debentures.

And whereas, it will be requisite to raise by special rate for paying the debentures for $60,000, hereinbefore thirdly mentioned, and interest thereon, the sum of $5,149.20 annually during the currency of such debentures.

And whereas, the amount of the whole ratable property of the municipality according to the last revised assessment roll is $24,465,640.

And whereas, the existing debenture debt of this municipality amounts to $2,899,145 and no principal or interest is in arrears.

Therefore the municipal council of the city of Hamilton enacts as follows :

1. It shall be lawful for the corporation of said city for the purpose of purchasing the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, their executors, administrators or assigns, to issue debentures of the said municipality to the amount of thirty-five thousand dollars, in sums of not less than one hundred dollars each, payable at the end of twenty years from date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

2. It shall be lawful for the corporation of the said city for the purpose of paying the bonus of forty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of forty thousand dollars, in sums of not less than one hundred dollars each, payable in eighteen years from the date thereof and within twenty years from the

date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debenture.

3. It shall be lawful for the corporation of the said city for the purpose of paying the bonus of sixty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of sixty thousand dollars in sums of not less than one hundred dollars each, payable in sixteen years from the date thereof, and within twenty years of the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

4. The said debentures as to principal and interest shall be payable at the office of the Treasurer of the said City of Hamilton.

5. It shall be lawful for the mayor of the municipality upon the taking effect of this by-law, and upon the persons hereinbefore named entering into an agreement in the form or to the effect of the agreement appended to this by-law, and he is hereby authorized and instructed upon such taking effect of this by-law, and upon receiving such agreement, to sign the debentures for thirty-five thousand dollars authorized to be issued under the first enacting clause of this by-law and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, and upon receiving a valid conveyance of the lands hereinafter mentioned, to deliver such debentures when so signed and sealed to the persons making such conveyance of said lands, and upon receiving such conveyance the mayor and clerk of said municipality are hereby authorized and instructed to convey the said lands by deed under the corporate seal of the said city to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns upon and subject to the condition that the said lands shall revert to the Corporation of the City of Hamilton together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said parties shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant as hereinafter provided for, have completed the said Iron Smelting Works and have the same ready for operation, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon the sum of at least four hundred thousand dollars, provided nevertheless that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machinery and appurtenances thereon

or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of $35,000, with interest thereon from the date when said lands were purchased by the City Corporation.

6. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for forty thousand dollars hereby secondly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality, is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns, of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

7. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for sixty thousand dollars hereby thirdly authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

8. There shall be raised and levied by special rate on all the rateable property on said municipality for payment of the interest on the debentures for $35,000 mentioned in the first enacting clause of this by-law, the sum of $1,400.00 and for payment of the principal of said debentures the sum of $1,175.65 annually, during the currency of such debentures.

9. There shall be raised and levied by special rates on all the ratable property in said municipality for payment of the interest on the debentures for $40,000 mentioned in the second enacting clause of this by-law, the sum of $1,600, and for payment of the principal of said debentures the sum of $1,560 annually during the currency of such debentures.

10. There shall be raised and levied by special rate on all the ratable property in the said municipality for payment of the interest on the debentures for $60,000 mentioned in the third enacting clause of this by-law, the sum of $2,400, and for pay-

ment of the principal of said debentures the sum of $2,749.20 annually, during the currency of such debentures.

11. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Wednesday, the 5th day of July, 1893, commencing at the hour of 9 o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east.	Alex. Turnbull.
1	2	404 King street east.	W. P. Smith.
1	3	61 Ferguson ave. south.	Richard Ellicott.
2	1	146 King street east.	J. M. Ellicott.
2	2	20 Main street east.	F. R. Hutton.
2	3	209 John street south.	A. C. Beasley.
2	4	48 James street south.	Wm. Herman.
3	1	193 King street west.	R. Corner.
3	2	307 Main street west.	M. A. Pennington.
3	3	137 Hannah street west.	Ed. Smith.
3	4	495 King street west.	Wm. Kingdon.
3	5	299 Herkimer street west.	Joseph Kent.
4	1	58 Caroline street north.	Robert Bryce.
4	2	136 Cannon street west.	Chas. Blackman.
4	3	440 King street west.	Jas. Weatherston.
4	4	Corner York and Queen.	Louis McDonald.
4	5	378 York street.	T. Tribute.
4	6	King's pump shop, Dundurn street.	Alfred Richmond.
5	1	13 MacNab street north	A. Hunter.
5	2	City Hall.	Lucien Hills.
5	3	21 Hughson street north.	Robert Leask.
5	4	149 McNab street north.	James Clark.
5	5	363 James street north.	John B. Nelligan.
5	6	503 James street north.	Wm. Buckingham.
6	1	37 John street north.	Charles Reid.
6	2	68 Cannon street east.	James Byrens.
6	3	113 Rebecca street.	Wm. Turnbull.
6	4	225 King William street.	Wm. Allen.
6	5	Shop corner Barton and John streets.	James Houlden.
6	6	364 Mary street	Thomas Smith.
6	7	83 Picton street.	Alex. McPherson.
7	1	83 East ave. north.	Hedley Mason.
7	2	55 Ashley street.	Samuel Robins.
7	3	Corner Barton and East Ave.	Samuel Scott.
7	4	361 Cannon street east.	W. H. Martin.
7	5	Corner Victoria ave. and Albert road.	T. Lawrence.
7	6	Town Hall, Barton.	A. W. Swazie.

12. On Monday, the 3rd day of July, 1893, the mayor shall attend at the Council Chambers at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in opposing or promoting the passing of this by-law.

13. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the City of Hamilton, at 11 o'clock in the forenoon of Friday, the 7th day of July, 1893, and sum up the number of votes given for and against the by-law.

14. This by-law shall take effect on the day of the passing thereof.

Terms and Conditions.

The following are the terms and conditions agreed on between this Corporation and the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the grant made by this by-law is hereby declared to be subject thereto, and to be payable to the said parties, their executors, administrators or assigns, in the manner, and at the time set forth therein and not otherwise, and no part thereof shall be paid over to them or any of them except in accordance with and upon the fulfilment of such terms and conditions.

1. The lands to be purchased with the debentures to the amount of $35,000 which are to be issued when this by-law takes effect, and after the agreement mentioned in the fifth enacting clause of this by-law has been received, shall be conveyed to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns, immediately after the purchase thereof by the corporation of the city of Hamilton, upon and subject to the condition that the said lands shall revert to and become the property of the said corporation together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, or some or one of them shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant, as hereinafter provided for, have completed the said iron smelting works upon the lands hereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall not then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machi-

nery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of $35,000, with interest thereon from the date when the said lands were purchased by the city corporation.

2. The sum of $40,000 mentioned in the second enacting clause of this by-law shall be paid to the said parties, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law, and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have before the 31st day of December, 1894, completed the said iron smelting works on the lands hereinafter mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works shall be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties shall not have by that date expended for the purposes aforesaid the sum of $400,000, the municipal council of the city shall have power by resolution to extend the time for the expenditure of the balance of said sum of $400,000 for a further period not exceeding one year.

3. The sum of $60,000 mentioned in the third enacting clause of this by-law shall be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have completed before the 31st day of December, 1896, steel smelting works for the manufacture of steel, upon the lands hereinafter described, and shall have expended upon the buildings, plant and machinery therefor the sum of four hundred thousand dollars in addition to all sums expended upon the iron smelting Works in the next preceding paragraph mentioned, and shall have such steel smelting works ready for the manufacture of steel before the said 31st of December, 1896.

4. It is hereby declared that time shall be the essence of this by-law as to the periods hereinbefore provided for the completion of all the works hereinbefore mentioned and for having them ready for operation, and of the capacity hereinbefore provided and for the expenditure thereon by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the two sums of four hun-

dred thousand dollars each, hereinbefore respectively mentioned, and it is also further declared and agreed that if the said iron smelting works and the said steel smelting works respectively or either of them shall be completed, and the conditions with regard to the same respectively shall be fulfilled before the dates hereinbefore provided for the completion of the said works and the fulfilment of said conditions, the debentures to be given by way of bonus for the promotion of such works respectively, may be issued and delivered upon the completion of such works respectively and the fulfilment of the conditions hereinbefore contained with regard thereto, and the time for payment of said debentures respectively and the time from which interest thereon shall begin shall be computed from the date when such works are respectively completed and such conditions are fulfilled.

Passed 24th day of July, A.D. 1893.

(Sd.) T. BEASLEY,
City Clerk. { SEAL }

(Sd.) P. C. BLAICHER,
Mayor.

DESCRIPTION OF THE PROPERTY REFERRED TO IN THE FOREGOING BY-LAW.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Barton and county of Wentworth, and being composed of parts of lots 7, 8 and 9, in the broken front concession of said township and which my be more particularly described as follows:

Commencing at the point where the northerly boundary of land, now owned by one W. C. Harvey, meets the division line between lots 7 and 8 aforesaid, (the said point being distant about two thousand one hundred and seventy-five feet from the rear of the said concession) thence south 73 degrees east, and following the said northerly boundary nine hundred and ten feet, more or less, to a post planted in an inlet or marsh on the original division line, between the properties of Jas. Harvey and A. W. Taylor, thence northerly, and following said original division line to the waters of Burlington Bay, thence westerly and following the waters of Burlington Bay to the said division line between lots 7 and 8, thence southerly and following said division line one thousand one hundred and seventy-two feet, more or less, to the place of beginning.

Also, commencing at a point on the division line between lots 7 and 8 aforesaid, distant about seven hundred and eleven feet southerly from the point of commencement of last parcel, (said point being where a line drawn on a course parallel to the southerly boundary of property owned by W. J. Gage, and

cutting off the southerly ten acres therefrom, would meet the said division line between lots 7 and 8), thence westerly along such line one thousand three hundred and thirty-six feet, more or less, to Sherman avenue, then northerly along Sherman avenue, seven hundred and thirty-eight feet, more or less, to the waters of Burlington Bay, thence easterly following the waters of Burlington Bay to the division line between lots 7 and 8 aforesaid, then southerly and following said division line one thousand five hundred and ninety-four feet, more or less, to the place of beginning.

Also, commencing at a point on the west side of Sherman avenue, distant northerly one hundred and fifty-four feet from the south-west corner of last described parcel, thence westerly and on a course parallel to the southerly boundary of the last described parcel, five hundred and six feet, more or less, to the waters of Burlington Bay, thence northerly and following the waters of Burlington Bay to the west side of Sherman avenue, thence southerly along Sherman avenue to the place of beginning.

FORM OF AGREEMENT REFERRED TO IN THE FOREGOING BY-LAW.

We, the undersigned, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, hereby agree with the corporation of the city of Hamilton, that if on or before the 1st day of August, 1893, the lands mentioned in the foregoing description shall be well and sufficiently conveyed to us, we will, without delay, erect thereon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for the establishment thereon of iron smelting works, and complete the same with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and that in the event of our failure to do so we will make good to the said city corporation all loss they may sustain by reason of their purchase of said lands.

SCHEDULE B.

By-law No. 761. To Extend the Time for the Completion of the Iron Smelting Works.

Whereas by-law number 680 of this municipality was passed on the 24th day of July, 1893, for granting a bonus of $75,000 for the promotion of iron smelting works, and the further sum of $60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

And whereas it was by said by-law provided that certain lands therein described, which were to be purchased by the corporation of the city of Hamilton with debentures to the amount of $35,000 to be issued under said by-law should be conveyed to Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster Jr., and Edward H. Thompson in said by-law named, their executors, administrators and assigns immediately after the purchase thereof by the corporation of the city of Hamilton upon and subject to the condition that the said lands should revert to and become the property of the said corporation, together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging of the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators or assigns or some or one of them should not before the 31st day of December 1894, or within such further time, not exceeding one year,as the municipal council of the city might grant, as thereinafter provided for, have completed the said iron smelting works upon the lands thereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon for the purposes thereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless that the said parties, their executors, administrators or assigns should have the right to repurchase said lands, together with all plant, buildings, machinery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December 1894, the sum of $35,000 with interest thereon from the date when said lands were purchased by the city corporation.

And whereas it was by said by-law further provided that the sum of $40,000 mentioned in the second enacting clause thereof should be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns by the delivery to them of debentures to that amount issued under said by-law and bearing interest at four per cent. per annum, but that none of such debentures should be so delivered to the said parties their executors, administrators or assigns, or any of them, unless they should have before the 31st day of December 1894 completed the said iron smelting

works on the lands in said by-law mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should then have expended thereon for the purposes in said by-law mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works should be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties should not by that date have expended for the purposes aforesaid the sum of four hundred thousand dollars, the municipal council of the city should have power by resolution to extend the time for the expenditure of the balance of said sum of $400,000 for a further period not exceeding one year.

And whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson have proceeded with the construction of the said iron smelting works and are carrying on the works towards completion as fast as possible, but by reason of unforeseen delays in procuring the necessary plant therefor they will be unable to complete said works and have the same ready for operation by the 31st day of December, 1894, and have asked for an extension of time for such completion until the first day of July, 1895.

And whereas the said corporation have consented to grant such extension of time so far as they have power to do so under said by-law, upon and subject to the terms and conditions hereinafter contained:

Therefore the municipal council of the city of Hamilton enacts as follows:

1. The time for the completion of the said iron smelting works and for having the same in actual operation with the capacity mentioned in said by-law shall be extended until the first day of July, 1895, and the said by-law shall in all respects be read and construed as if the said date were throughout the said by-law, substituted for the 31st day of December, 1894, and the bonus of $40,000 payable upon the condition that said works should be completed and in actual operation with the capacity mentioned in said by-law before the 1st of July, 1895.

2. Before the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns shall be entitled to claim said debentures to the amount of $40,000, they shall procure an Act of the legislature of the province of Ontario sanctioning this by-law and declaring it to be valid, and the conditions and agreements therein contained to be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators and assigns and upon the lands conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-law and the

plant, buildings, machinery and appurtenances thereon or thereunto belonging, and also enacting that said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of this by-law and of such Act.

Passed this 14th day of December A.D. 1894.

(Signed) T. BEASLEY,
City Clerk. {SEAL}

(Signed) A. D. STEWART,
Mayor.

[SEAL] SCHEDULE C.

GEORGE A. KIRKPATRICK.
Lieutenant-Governor.

PROVINCE OF ONTARIO.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come: *Greeting*:

O. MOWAT. *Attorney-General.* WHEREAS by the Revised Statute of the Legislature of Our Province of Ontario entitled *An Act respecting the incorporation of Joint Stock Companies by Letters Patent* it is provided that the Lieutenant-Governor of Our said Province in Council may, by Letters Patent under the Great Seal of Our said Province, grant a charter to any number of persons, not less than five who shall petition therefor constituting such person and others who may become shareholders in the company thereby created a body corporate and politic, for any purposes or objects to which the legislative authority of the said legislature extends, except the construction and working of railways and the business of insurance other than provided by section 4 of *The Ontario Insurance Act*, being chapter 167 of The Revised Statutes ofOntario, 1887.

And whereas by petition addressed to Our Lieutenant-Governor of Ontario in Conucil Joseph Jennings Morehouse of the city of New York in the state of New York one of the United States of America, manufacturer, James Morehouse of the said city of New York, manufacturer, William Van Veghten Reynolds, of Reynolds, in Rensselaer county in the said state of New York, railroad president, William Foster the younger, of the said city of New York, manufacturer, Edward Harris Thompson of the town of Millerton in Duchess county in the said state of New York, banker, Herbert Nelson Curtis of the said city of New York, manufacturer, John Henry Tilden of the city of Hamilton in the county of Wentworth and Province of Ontario, iron founder, John Milne, of the said city of Hamilton, iron founder, and Robert Jaffray of the city of Toronto in the County of York and Province aforesaid, banker, have prayed that a charter may be granted to them constituting them and such other persons as are or may become shareholders in the proposed company a body corporate and politic for the purposes and objects following, that is to say: (*a*) To carry on the business of exploring for, mining or otherwise acquiring iron, nickel, copper and other metals, materials, mineral and ores; (*b*) To crush, smelt, reduce and manufacture such metals, minerals and ores; (*c*) To carry on the business generally of smelting metals minerals and ores and to manufacture the same and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials all articles of merchandise that may be manufactured therefrom including iron, steel and nickel of all kinds and descriptions and all forms; (*d*) To carry on the business of rolling mills and the manufacture of iron and steel rails and all kinds and classes of muck bar and refined rolled bar iron bessemer and other kinds and descriptions of steel; (*e*) To manufacture charcoal, coke and other fuel and requisites for the said business; (*f*) To aquire by purchase or otherwise such real and personal property, easements, premises, claims, mining locations, limits, privileges or other rights necessary or convenient for the business or operations of the company; (*g*) To erect and establish works, mills, factories, warehouses and other buildings and to operate the same; (*h*) To construct tramways and to operate the same by steam, electricity or other motive power; (*i*) To build, aquire, charter or lease steam and other vessels, boats, piers and wharves, telegraph and telephone lines, aqueducts, dams, water-power roads and other works in connection with the works of the company or which may be deemed necessary or convenient for the business of the company and subject to the approval of the shareholders of the company at a general meeting to be duly called for considering the subject to aid by way of bonus or otherwise the construction or maintenance of any of the same or any railways that may serve or promote the company or its interests; (*j*) To purchase or otherwise acquire such articles of merchandise as may be deemed necess-

ary for the business of the company and to sell or otherwise dispose of the same and any property not further required for the business of the company; (*k*) To issue paid up shares of the capital stock of the company for real or personal property, claims, mining locations, limits, privileges or other rights which may be deemed suitable or necessary for the purposes of the company and; (*l*) To contract with any municipal or other corporation, company, firm or persons with respect to any business of the company under the name of "The Hamilton Iron and Steel Company (Limited)".

And whereas it is further stated by the said petition that the amount of the stock taken by each of the applicant is as follows:

By the said Joseph Jenning Morehouse, James Morehouse, Willam Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson and Herbert Nelson Curtis, each the sum of one thousand dollars and by the said John Henry Tilden, John Milne and Robert Jaffray, each the sum of one hundred dollars

And whereas it has been proved to the satisfaction of Our Lieutenant-Governor in Council that the said applicants have complied with all the requirements of the said Act, as to matters preliminay to the issue of letters patent, and that a notice of the said application containing the particulars required by the sixth section of the said Act has been duly given in *The Ontario Gazette* in accordance with the provisions of the said Act.

Now know ye that by and with the advice of Our Executive Council of Our Province of Ontario and under the authority of the hereinbefore in part recited statute, and of any other power or authority whatsoever in us vested in this behalf, we do by these our letters patent constitute the said Joseph Jennings Morehouse, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray, and all such other persons as shall at any time hereafter become shareholders in the company hereby created under the provisions of the said Act, a body corporate and politic, with perpetual succession and a common seal, by the name of "The Hamilton Iron and Steel Company (Limited)" and capable forthwith of exercising all the functions of an incorporated company for the purposes and objects aforesaid, as if incorporated by a special Act of the Legislature of Ontario, and by their corporate name of suing and being sued, pleading and being impleaded in all courts whether of law or equity, and with the powers in the said Act more particularly set forth.

And we direct that the capital stock of the said company be one million dollars and be divided into ten thousand shares of one hundred dollars each; that the operations of the said company be carried on within the said Province of Ontario; that the chief place of business of the company be at the said city of Hamilton and that the said Joseph Jennings More-

house, James Morehouse, William Van Veghten Reynolds William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray be the first directors of the said company.

And we further direct that no parcel of lands or interest therein at any time acquired by the said company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town in the said province, shall be held by the said company or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security.

And we further direct that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which shall be held by the said company for a longer period than seven years, without being disposed of, shall be forfeited to us for the use of our said province.

And we further direct that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said company of the intention of the Government to claim such forfeiture, and it shall be the duty of the company to give our said Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to this proviso.

And we further direct that the said company shall be subject to the provisions of said Act, being chapter 157 of the Revised Statutes of Ontario, 1887, entitled, *An Act Respecting the Incorporation of Joint Stock Companies by Letters Patent*, and to such further and other provisions as the Legislature of Ontario may hereafter deem expedient in order to secure the due management of its affairs and the protection of its shareholders and creditors.

And we further direct that the charter of the said company shall be forfeited by non-user during three consecutive years at any one time, or if the company does not go into active operation within three years after it is granted; and no declaration of such forfeiture by any Act of the legislature shall be deemed an infringement of such charter.

And we further direct that the charter of the said company may at any time be declared to be forfeited and may be revoked and made void by order of our executive council of our said Province of Ontario on sufficient cause being shown to us in that behalf, and that such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to us may seem proper.

In testimony whereof we have caused these our letters to be made patent and the great seal of our Province of Ontario to be hereunto affixed.

Witness: The Honorable George Airey Kirkpatrick, Member of our Privy Council for Canada and Lieutenant-Governor of our Province of Ontario.

At our Government House, in our city of Toronto, in our said Province, this eighth day of November in the year of our Lord one thousand eight hundred and ninety-three and in the fifty-seventh year of our reign.

By command

(Signed) J. M. GIBSON,
Secretary.

SCHEDULE D.

Know all men by these presents that I (*or* we) (insert the names of the vendors) in consideration of dollars paid to me (*or* us) by The Hamilton Iron and Steel Company (Limited), the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (insert the names of any party or parties) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be* or state the interest to be conveyed) of land (describe the land), the same having been selected and laid out by the company for the purposes of its works, to hold with the appurtenances unto the said company its successors and assigns forever (here insert any other clauses, covenants or conditions required).

And I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 189 .

Signed, sealed and delivered }
in the presence of } [L.S.]

No. 24.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-laws numbers 680 and 761 of the City of Hamilton.

1st Reading, 1895.

(Private Bill.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 24.] **BILL.** [1895.

An Act respecting By-laws numbers 680 and 772 of the City of Hamilton.

Preamble. WHEREAS Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the Hamilton Iron and Steel Company (Limited) and the municipal corporation of the city of Hamilton, have petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 24th day of July, A.D., 1893, after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton who were entitled to vote intituled "By-law number 680 for granting a bonus of $75,000 "for the promotion of iron smelting works and the further "sum of $60,000 for the promotion of steel smelting works in "or immediately adjacent to the city of Hamilton," a copy of which said by-law is contained in schedule A to this Act; and also to ratify, confirm and legalize a by-law of the municipal corporation of the said city of Hamilton passed on the *25*th day of *February*, A.D. 189*5*, intituled "By-law number "*772* to extend the time for completion of the iron smelting "works," a copy of which said last mentioned by-law is contained in schedule B to this Act; and whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson and other persons were duly incorporated by letters patent under and by virtue of *The Ontario Joint Stock Companies Letters Patent Act*, on the eighth day of November, A. D. 1893, under the name of the Hamilton Iron and Steel Company (Limited) for the purpose of carrying on the said iron and steel smelting works and for other purposes; and whereas the Hamilton Iron and Steel Company (Limited) hereinafter called "the company" *have also* by *their said* petition prayed that an Act may be passed

confirming the said letters patent ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No 680 confirmed.

1. The said by-law numbered 680 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule A to this Act is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-law No. 772 confirmed.

2. The said by-law numbered *772* of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule B to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-laws to be binding on certain persons and property.

3. It is hereby declared that the said by-laws numbers 680 and 772 passed by the municipal council of the said city of Hamilton as aforesaid and all the conditions and agreements therein contained are and shall be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns and upon the land conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-laws and the plant, buildings machinery and appurtenances thereon or thereto belonging.

Amendment of By-law 680 by By-law 772.

4. It is hereby further declared that the said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of said by-law number *772* and of this Act.

Irregularities in form not to invalidate debentures.

5. No irregularity in the form of the debentures issued or to be issued under the said by-laws or under either of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for

the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Assent of electors not required to By-law 761.

6. It shall not be necessary to obtain the assent of the electors of the said city of Hamilton to the passing of the said by-law number *772* or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, 55 V. c. 42 or any Act amending the same.

Letters Patent incorporating the Hamilton Iron and Steel Company confirmed.

7. The letters patent set out in schedule C to this Act and granted under *The Ontario Joint Stock Companies' Letters Patent Act* to the Hamilton Iron and Steel Company (Limited), are hereby ratified and confirmed and held as binding as if originally granted by an Act of the Legislative Assembly of the Province of Ontario and all proceedings taken by the company in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said letters patent had been originally granted by an Act of the Legislative Assembly of Ontario.

Power to construct tramways.

8. The said company is hereby further authorized to construct and maintain a tramway or railway with all necessary side tracks and turnouts to connect the works of the company situate and being constructed on parts of lots numbered seven in the broken front and first concession of the township of Barton with its quarry property situate on part of lot number seven in the third concession of the said township, and to operate the same by steam, electricity or other motive power.

Aid to company.

9. The company may receive from any government, or municipal corporation or from any person or bodies corporate or politic, aid towards the construction, equipment and maintenance of the works authorized under said letters patent and this Act to be undertaken, by way of gift, bonus or loan of money or debentures or other securities for money or real estate or by way of guarantee.

Contracts for construction or equipment.

10. It shall be lawful for the directors to enter into a contract or contracts with any *person or persons* for the construction and equipment of the works authorized by said letters patent and this Act or any portion thereof and to pay therefor either in cash or bonds or in paid up stock or otherwise as may be deemed expedient.

Rights of aliens.

11. Aliens and foreign corporations as well as British subjects and whether residing in Canada or elsewhere may be shareholders in the company and all such shareholders shall be entitled to vote on their shares equally with British subjects, and aliens shall also be eligible to hold office as directors of the company.

SCHEDULE A.

By Law No. 680.

Passed 24th. July, 1893.

For granting a bonus of $75,000 for the promotion of iron smelting works, and the further sum of $60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

Whereas, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, have proposed to establish smelting works in or immediately adjacent to the city of Hamilton, and to expend upon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for such works, the sum of not less than $400,000, the whole of such works to be completed and ready for operation before the 31st. day of December, 1894, and to have a capacity to turn out at least one hundred and fifty tons of pig iron per day, and in consideration of their carrying out such proposal the corporation of the city of Hamilton have agreed by way of bonus for the promotion of said iron smelting works to procure and convey to them the lands hereinafter described upon and subject to the conditions hereinafter contained, and also to pay them a bonus in debentures of the said corporation to the amount of $40,000, provided that the said works shall have been completed and ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, before the 31st. day of December 1894, and that the sum of $400,000 shall then have been expended upon such works.

And whereas, the said corporation have agreed to grant to the said parties, their executors, administrators or assigns the further sum of $60,000 provided they shall before the 31st. day of December ,1896, complete and have ready for operation on the lands hereinafter described, steel smelting works for the manufacture of steel, and shall by that date have expended upon the buildings, plant, machinery and appliances necessary for such steel smelting works, the sum of $400,000 in additon to the moneys expended upon the iron smelting works hereinbefore mentioned.

And whereas, in order to provide for the purchase of the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, Willam Foster, Jr. and Edward H. Thompson, it will be necessary to issue debentures of this municipality for the sum of $35,000 payable as hereinbefore provided.

And whereas, for the payment of the bonus of $40,000 hereinbefore mentioned it may be necessary to issue debentures of this municipality for the further sum of $40,000, payable as hereinafter provided.

And whereas, for the payment of the bonus of $60,000 hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of $60,000, payable as hereinafter provided.

And whereas, it will be requisite to raise by special rate for paying the debentures for $35,000 hereinbefore first mentioned and interest thereon, the sum of $2,575.65 annually during the currency of such debentures.

And whereas it will also be requisite to raise by special rate, for paying the debentures for $40,000, hereinbefore secondly mentioned, and interest thereon, the sum of $3,160.00 annually during the currency of such debentures.

And whereas, it will be requisite to raise by special rate for paying the debentures for $60,000, hereinbefore thirdly mentioned, and interest thereon, the sum of $5,149.20 annually during the currency of such debentures.

And whereas, the amount of the whole ratable property of the municipality according to the last revised assessment roll is $24,465,640.

And whereas, the existing debenture debt of this municipality amounts to $2,899,145 and no principal or interest is in arrears.

Therefore the municipal council of the city of Hamilton enacts as follows:

1. It shall be lawful for the corporation of said city for the purpose of purchasing the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, their executors, administrators or assigns, to issue debentures of the said municipality to the amount of thirty-five thousand dollars, in sums of not less than one hundred dollars each, payable at the end of twenty years from date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

2. It shall be lawful for the corporation of the said city for the purpose of paying the bonus of forty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of forty thousand dollars, in sums of not less than one hundred dollars each, payable in eighteen years from the date thereof and within twenty years from the

date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debenture.

3. It shall be lawful for the corporation of the said city for the purpose of paying the bonus of sixty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of sixty thousand dollars in sums of not less than one hundred dollars each, payable in sixteen years from the date thereof, and within twenty years of the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

4. The said debentures as to principal and interest shall be payable at the office of the Treasurer of the said City of Hamilton.

5. It shall be lawful for the mayor of the municipality upon the taking effect of this by-law, and upon the persons hereinbefore named entering into an agreement in the form or to the effect of the agreement appended to this by-law, and he is hereby authorized and instructed upon such taking effect of this by-law, and upon receiving such agreement, to sign the debentures for thirty-five thousand dollars authorized to be issued under the first enacting clause of this by-law and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, and upon receiving a valid convevance of the lands hereinafter mentioned, to deliver such debentures when so signed and sealed to the persons making such conveyance of said lands, and upon receiving such conveyance the mayor and clerk of said municipality are hereby authorized and instructed to convey the said lands by deed under the corporate seal of the said city to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns upon and subject to the condition that the said lands shall revert to the Corporation of the City of Hamilton together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said parties shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant as hereinafter provided for, have completed the said Iron Smelting Works and have the same ready for operation, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon the sum of at least four hundred thousand dollars, provided nevertheless that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machinery and appurtenances thereon

or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of $35,000, with interest thereon from the date when said lands were purchased by the City Corporation.

6. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for forty thousand dollars hereby secondly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality, is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns, of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

7. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for sixty thousand dollars hereby thirdly authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

8. There shall be raised and levied by special rate on all the rateable property on said municipality for payment of the interest on the debentures for $35,000 mentioned in the first enacting clause of this by-law, the sum of $1,400.00 and for payment of the principal of said debentures the sum of $1,175.65 annually, during the currency of such debentures.

9. There shall be raised and levied by special rates on all the ratable property in said municipality for payment of the interest on the debentures for $40,000 mentioned in the second enacting clause of this by-law, the sum of $1,600, and for payment of the principal of said debentures the sum of $1,560 annually during the currency of such debentures.

10. There shall be raised and levied by special rate on all the ratable property in the said municipality for payment of the interest on the debentures for $60,000 mentioned in the third enacting clause of this by-law, the sum of $2,400, and for pay-

ment of the principal of said debentures the sum of $2,749.20 annually, during the currency of such debentures.

11. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Wednesday, the 5th day of July, 1893, commencing at the hour of 9 o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east.	Alex. Turnbull.
1	2	404 King street east.	W. P. Smith.
1	3	61 Ferguson ave. south.	Richard Ellicott.
2	1	146 King street east.	J. M. Ellicott.
2	2	20 Main street east.	F. R. Hutton.
2	3	209 John street south.	A. C. Beasley.
2	4	48 James street south.	Wm. Herman.
3	1	193 King street west.	R. Corner.
3	2	307 Main street west.	M. A. Pennington.
3	3	137 Hannah street west.	Ed. Smith.
3	4	495 King street west.	Wm. Kingdon.
3	5	299 Herkimer street west.	Joseph Kent.
4	1	58 Caroline street north.	Robert Bryce.
4	2	136 Cannon street west.	Chas. Blackman.
4	3	440 King street west.	Jas. Weatherston.
4	4	Corner York and Queen.	Louis McDonald.
4	5	378 York street.	T. Tribute.
4	6	King's pump shop, Dundurn street.	Alfred Richmond.
5	1	13 MacNab street north	A. Hunter.
5	2	City Hall.	Lucien Hills.
5	3	21 Hughson street north.	Robert Leask.
5	4	149 McNab street north.	James Clark.
5	5	363 James street north.	John B. Nelligan.
5	6	503 James street north.	Wm. Buckingham.
6	1	37 John street north.	Charles Reid.
6	2	68 Cannon street east.	James Byrens.
6	3	113 Rebecca street.	Wm. Turnbull.
6	4	225 King William street.	Wm. Allen.
6	5	Shop corner Barton and John streets.	James Houlden.
6	6	364 Mary street	Thomas Smith.
6	7	83 Picton street.	Alex. McPherson.
7	1	83 East ave. north.	Hedley Mason.
7	2	55 Ashley street.	Samuel Robins.
7	3	Corner Barton and East Ave.	Samuel Scott.
7	4	361 Cannon street east.	W. H. Martin.
7	5	Corner Victoria ave. and Albert road.	T. Lawrence.
7	6	Town Hall, Barton.	A. W. Swazie.

12. On Monday, the 3rd day of July, 1893, the mayor shall attend at the Council Chambers at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in opposing or promoting the passing of this by-law.

13. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the City of Hamilton, at 11 o'clock in the forenoon of Friday, the 7th day of July, 1893, and sum up the number of votes given for and against the by-law.

14. This by-law shall take effect on the day of the passing thereof.

Terms and Conditions.

The following are the terms and conditions agreed on between this Corporation and the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the grant made by this by-law is hereby declared to be subject thereto, and to be payable to the said parties, their executors, administrators or assigns, in the manner, and at the time set forth therein and not otherwise, and no part thereof shall be paid over to them or any of them except in accordance with and upon the fulfilment of such terms and conditions.

1. The lands to be purchased with the debentures to the amount of $35,000 which are to be issued when this by-law takes effect, and after the agreement mentioned in the fifth enacting clause of this by-law has been received, shall be conveyed to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns, immediately after the purchase thereof by the corporation of the city of Hamilton, upon and subject to the condition that the said lands shall revert to and become the property of the said corporation together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, or some or one of them shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant, as hereinafter provided for, have completed the said iron smelting works upon the lands hereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall not then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machi-

nery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of $35,000, with interest thereon from the date when the said lands were purchased by the city corporation.

2. The sum of $40,000 mentioned in the second enacting clause of this by-law shall be paid to the said parties, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law, and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have before the 31st day of December, 1894, completed the said iron smelting works on the lands hereinafter mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works shall be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties shall not have by that date expended for the purposes aforesaid the sum of $400,000, the municipal council of the city shall have power by resolution to extend the time for the expenditure of the balance of said sum of $400,000 for a further period not exceeding one year.

3. The sum of $60,000 mentioned in the third enacting clause of this by-law shall be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have completed before the 31st day of December, 1896, steel smelting works for the manufacture of steel, upon the lands hereinafter described, and shall have expended upon the buildings, plant and machinery therefor the sum of four hundred thousand dollars in addition to all sums expended upon the iron smelting Works in the next preceding paragraph mentioned, and shall have such steel smelting works ready for the manufacture of steel before the said 31st of December, 1896.

4. It is hereby declared that time shall be the essence of this by-law as to the periods hereinbefore provided for the completion of all the works hereinbefore mentioned and for having them ready for operation, and of the capacity hereinbefore provided and for the expenditure thereon by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the two sums of four hun-

dred thousand dollars each, hereinbefore respectively mentioned, and it is also further declared and agreed that if the said iron smelting works and the said steel smelting works respectively or either of them shall be completed, and the conditions with regard to the same respectively shall be fulfilled before the dates hereinbefore provided for the completion of the said works and the fulfilment of said conditions, the debentures to be given by way of bonus for the promotion of such works respectively, may be issued and delivered upon the completion of such works respectively and the fulfilment of the conditions hereinbefore contained with regard thereto, and the time for payment of said debentures respectively and the time from which interest thereon shall begin shall be computed from the date when such works are respectively completed and such conditions are fulfilled.

Passed 24th day of July, A.D. 1893.

(Sd.) T. BEASLEY,
City Clerk. { SEAL }

(Sd.) P. C. BLAICHER,
Mayor.

DESCRIPTION OF THE PROPERTY REFERRED TO IN THE FOREGOING BY-LAW.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Barton and county of Wentworth, and being composed of parts of lots 7, 8 and 9, in the broken front concession of said township and which my be more particularly described as follows:

Commencing at the point where the northerly boundary of land, now owned by one W. C. Harvey, meets the division line between lots 7 and 8 aforesaid, (the said point being distant about two thousand one hundred and seventy-five feet from the rear of the said concession) thence south 73 degrees east, and following the said northerly boundary nine hundred and ten feet, more or less, to a post planted in an inlet or marsh on the original division line, between the properties of Jas. Harvey and A. W. Taylor, thence northerly, and following said original division line to the waters of Burlington Bay, thence westerly and following the waters of Burlington Bay to the said division line between lots 7 and 8, thence southerly and following said division line one thousand one hundred and seventy-two feet, more or less, to the place of beginning.

Also, commencing at a point on the division line between lots 7 and 8 aforesaid, distant about seven hundred and eleven feet southerly from the point of commencement of last parcel, (said point being where a line drawn on a course parallel to the southerly boundary of property owned by W. J. Gage, and

cutting off the southerly ten acres therefrom, would meet the said division line between lots 7 and 8), thence westerly along such line one thousand three hundred and thirty-six feet, more or less, to Sherman avenue, then northerly along Sherman avenue, seven hundred and thirty-eight feet, more or less, to the waters of Burlington Bay, thence easterly following the waters of Burlington Bay to the division line between lots 7 and 8 aforesaid, then southerly and following said division line one thousand five hundred and ninety-four feet, more or less, to the place of beginning.

Also, commencing at a point on the west side of Sherman avenue, distant northerly one hundred and fifty-four feet from the south-west corner of last described parcel, thence westerly and on a course parallel to the southerly boundary of the last described parcel, five hundred and six feet, more or less, to the waters of Burlington Bay, thence northerly and following the waters of Burlington Bay to the west side of Sherman avenue, thence southerly along Sherman avenue to the place of beginning.

FORM OF AGREEMENT REFERRED TO IN THE FOREGOING BY-LAW.

We, the undersigned, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, hereby agree with the corporation of the city of Hamilton, that if on or before the 1st day of August, 1893, the lands mentioned in the foregoing description shall be well and sufficiently conveyed to us, we will, without delay, erect thereon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for the establishment thereon of iron smelting works, and complete the same with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and that in the event of our failure to do so we will make good to the said city corporation all loss they may sustain by reason of their purchase of said lands.

SCHEDULE B.

By-law No. *772*. To Extend the Time for the Completion of the Iron Smelting Works.

Whereas by-law number 680 of this municipality was passed on the 24th day of July, 1893, for granting a bonus of $75,000 for the promotion of iron smelting works, and the further sum of $60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

And whereas it was by said by-law provided that certain lands therein described, which were to be purchased by the corporation of the city of Hamilton with debentures to the amount of $35,000 to be issued under said by-law should be conveyed to Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster Jr., and Edward H. Thompson in said by-law named, their executors, administrators and assigns immediately after the purchase thereof by the corporation of the city of Hamilton upon and subject to the condition that the said lands should revert to and become the property of the said corporation, together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging of the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators or assigns or some or one of them should not before the 31st day of December 1894, or within such further time, not exceeding one year,as the municipal council of the city might grant, as thereinafter provided for, have completed the said iron smelting works upon the lands thereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon for the purposes thereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless that the said parties, their executors, administrators or assigns should have the right to repurchase said lands, together with all plant, buildings, machinery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December 1894, the sum of $35,000 with interest thereon from the date when said lands were purchased by the city corporation.

And whereas it was by said by-law further provided that the sum of $40,000 mentioned in the second enacting clause thereof should be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns by the delivery to them of debentures to that amount issued under said by-law and bearing interest at four per cent. per annum, but that none of such debentures should be so delivered to the said parties their executors, administrators or assigns, or any of them, unless they should have before the 31st day of December 1894 completed the said iron smelting

works on the lands in said by-law mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should then have expended thereon for the purposes in said by-law mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works should be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties should not by that date have expended for the purposes aforesaid the sum of four hundred thousand dollars, the municipal council of the city should have power by resolution to extend the time for the expenditure of the balance of said sum of $400,000 for a further period not exceeding one year.

And whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson have proceeded with the construction of the said iron smelting works and are carrying on the works towards completion as fast as possible, but by reason of unforeseen delays in procuring the necessary plant therefor they *have been* unable to complete said works and have the same ready for operation by the 31st day of December, 1894, and have asked for an extension of time for such completion until the first day of *October*, 1895.

And whereas the said corporation have consented to grant such extension of time so far as they have power to do so under said by-law, upon and subject to the terms and conditions hereinafter contained:

Therefore the municipal council of the city of Hamilton enacts as follows:

1. The time for the completion of the said iron smelting works and for having the same in actual operation with the capacity mentioned in said by-law shall be extended until the first day of *October*, 1895, and the said by-law shall in all respects be read and construed as if the said date were throughout the said by-law, substituted for the 31st day of December, 1894, and the bonus of $40,000 payable upon the condition that said works should be completed and in actual operation with the capacity mentioned in said by-law before the 1st of *October*, 1895.

2. Before the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns shall be entitled to claim said debentures to the amount of $40,000, they shall procure an Act of the legislature of the province of Ontario sanctioning this by-law and declaring it to be valid, and the conditions and agreements therein contained to be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators and assigns and upon the lands conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-law and the

plant, buildings, machinery and appurtenances thereon or thereunto belonging, and also enacting that said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of this by-law and of such Act.

Passed this *25th* day of *February* A.D. *1895*.

(Signed) T. BEASLEY,
City Clerk. {SEAL}

(Signed) A. D. STEWART,
Mayor.

[SEAL] SCHEDULE C.

GEORGE A. KIRKPATRICK.
Lieutenant-Governor.

PROVINCE OF ONTARIO.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come: Greeting:

O. MOWAT. } WHEREAS by the Revised Statute of the
Attorney-General. } Legislature of Our Province of Ontario entitled *An Act respecting the incorporation of Joint Stock Companies by Letters Patent* it is provided that the Lieutenant-Governor of Our said Province in Council may, by Letters Patent under the Great Seal of Our said Province, grant a charter to any number of persons, not less than five who shall petition therefor constituting such person and others who may become shareholders in the company thereby created a body corporate and politic, for any purposes or objects to which the legislative authority of the said legislature extends, except the construction and working of railways and the business of insurance other than provided by section 4 of *The Ontario Insurance Act*, being chapter 167 of The Revised Statutes ofOntario, 1887.

And whereas by petition addressed to Our Lieutenant-Governor of Ontario in Conucil Joseph Jennings Morehouse of the city of New York in the state of New York one of the United States of America, manufacturer, James Morehouse of the said city of New York, manufacturer, William Van Veghten Reynolds, of Reynolds, in Rensselaer county in the said state of New York, railroad president, William Foster the younger, of the said city of New York, manufacturer, Edward Harris Thompson of the town of Millerton in Duchess county in the said state of New York, banker, Herbert Nelson Curtis of the said city of New York, manufacturer, John Henry Tilden of the city of Hamilton in the county of Wentworth and Province of Ontario, iron founder, John Milne, of the said city of Hamilton, iron founder, and Robert Jaffray of the city of Toronto in the County of York and Province aforesaid, banker, have prayed that a charter may be granted to them constituting them and such other persons as are or may become shareholders in the proposed company a body corporate and politic for the purposes and objects following, that is to say: (*a*) To carry on the business of exploring for, mining or otherwise acquiring iron, nickel, copper and other metals, materials, mineral and ores; (*b*) To crush, smelt, reduce and manufacture such metals, minerals and ores; (*c*) To carry on the business generally of smelting metals minerals and ores and to manufacture the same and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials all articles of merchandise that may be manufactured therefrom including iron, steel and nickel of all kinds and descriptions and all forms; (*d*) To carry on the business of rolling mills and the manufacture of iron and steel rails and all kinds and classes of muck bar and refined rolled bar iron bessemer and other kinds and descriptions of steel; (*e*) To manufacture charcoal, coke and other fuel and requisites for the said business; (*f*) To aquire by purchase or otherwise such real and personal property, easements, premises, claims, mining locations, limits, privileges or other rights necessary or convenient for the business or operations of the company; (*g*) To erect and establish works, mills, factories, warehouses and other buildings and to operate the same; (*h*) To construct tramways and to operate the same by steam, electricity or other motive power; (*i*) To build, aquire, charter or lease steam and other vessels, boats, piers and wharves, telegraph and telephone lines, aqueducts, dams, water-power roads and other works in connection with the works of the company or which may be deemed necessary or convenient for the business of the company and subject to the approval of the shareholders of the company at a general meeting to be duly called for considering the subject to aid by way of bonus or otherwise the construction or maintenance of any of the same or any railways that may serve or promote the company or its interests; (*j*) To purchase or otherwise acquire such articles of merchandise as may be deemed necess-

ary for the business of the company and to sell or otherwise dispose of the same and any property not further required for the business of the company; (*k*) To issue paid up shares of the capital stock of the company for real or personal property, claims, mining locations, limits, privileges or other rights which may be deemed suitable or necessary for the purposes of the company and; (*l*) To contract with any municipal or other corporation, company, firm or persons with respect to any business of the company under the name of "The Hamilton Iron and Steel Company (Limited)".

And whereas it is further stated by the said petition that the amount of the stock taken by each of the applicant is as follows:

By the said Joseph Jenning Morehouse, James Morehouse Willam Van Veghten Reynolds, William Foster the younger Edward Harris Thompson and Herbert Nelson Curtis, each the sum of one thousand dollars and by the said John Henry Tilden, John Milne and Robert Jaffray, each the sum of one hundred dollars

And whereas it has been proved to the satisfaction of Our Lieutenant-Governor in Council that the said applicants have complied with all the requirements of the said Act, as to matters preliminay to the issue of letters patent, and that a notice of the said application containing the particulars required by the sixth section of the said Act has been duly given in *The Ontario Gazette* in accordance with the provisions of the said Act

Now know ye that by and with the advice of Our Executive Council of Our Province of Ontario and under the authority of the hereinbefore in part recited statute, and of any other power or authority whatsoever in us vested in this behalf, we do by these our letters patent constitute the said Joseph Jennings Morehouse, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray, and all such other persons as shall at any time hereafter become shareholders in the company hereby created under the provisions of the said Act, a body corporate and politic, with perpetual succession and a common seal, by the name of "The Hamilton Iron and Steel Company (Limited)" and capable forthwith of exercising all the functions of an incorporated company for the purposes and objects aforesaid, as if incorporated by a special Act of the Legislature of Ontario, and by their corporate name of suing and being sued, pleading and being impleaded in all courts whether of law or equity, and with the powers in the said Act more particularly set forth.

And we direct that the capital stock of the said company be one million dollars and be divided into ten thousand shares of one hundred dollars each; that the operations of the said company be carried on within the said Province of Ontario; that the chief place of business of the company be at the said city of Hamilton and that the said Joseph Jennings More-

house, James Morehouse, William Van Veghten Reynolds William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray be the first directors of the said company.

And we further direct that no parcel of lands or interest therein at any time acquired by the said company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town in the said province, shall be held by the said company or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security.

And we further direct that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which shall be held by the said company for a longer period than seven years, without being disposed of, shall be forfeited to us for the use of our said province.

And we further direct that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said company of the intention of the Government to claim such forfeiture, and it shall be the duty of the company to give our said Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to this proviso.

And we further direct that the said company shall be subject to the provisions of said Act, being chapter 157 of the Revised Statutes of Ontario, 1887, entitled, *An Act Respecting the Incorporation of Joint Stock Companies by Letters Patent*, and to such further and other provisions as the Legislature of Ontario may hereafter deem expedient in order to secure the due management of its affairs and the protection of its shareholders and creditors.

And we further direct that the charter of the said company shall be forfeited by non-user during three consecutive years at any one time, or if the company does not go into active operation within three years after it is granted; and no declaration of such forfeiture by any Act of the legislature shall be deemed an infringement of such charter.

And we further direct that the charter of the said company may at any time be declared to be forfeited and may be revoked and made void by order of our executive council of our said Province of Ontario on sufficient cause being shown to us in that behalf, and that such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to us may seem proper.

In testimony whereof we have caused these our letters to be made patent and the great seal of our Province of Ontario to be hereunto affixed.

Witness: The Honorable George Airey Kirkpatrick, Member of our Privy Council for Canada and Lieutenant-Governor of our Province of Ontario.

At our Government House, in our city of Toronto, in our said Province, this eighth day of November in the year of our Lord one thousand eight hundred and ninety-three and in the fifty-seventh year of our reign.

By command

(Signed) J. M. GIBSON,
Secretary.

SCHEDULE D.

Know all men by these presents that I (*or* we) (insert the names of the vendors) in consideration of dollars paid to me (*or* us) by The Hamilton Iron and Steel Company (Limited), the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (insert the names of any party or parties) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be* or state the interest to be conveyed) of land (describe the land), the same having been selected and laid out by the company for the purposes of its works, to hold with the appurtenances unto the said company its successors and assigns forever (here insert any other clauses, covenants or conditions required).

And I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 189 .

Signed, sealed and delivered }
in the presence of } [L.S.]

No. 24.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-laws numbers 680 and 761 of the City of Hamilton.

1st Reading, 5th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 24.] BILL. [1895.

An Act respecting By-laws numbers 680 and 772 of the City of Hamilton.

Preamble. WHEREAS Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the Hamilton Iron and Steel Company (Limited) and the municipal corporation of the city of Hamilton, have petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 24th day of July, A.D., 1893, after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton who were entitled to vote intituled "By-law number 680 for granting a bonus of $75,000 "for the promotion of iron smelting works and the further "sum of $60,000 for the promotion of steel smelting works in "or immediately adjacent to the city of Hamilton," a copy of which said by-law is contained in schedule A to this Act; and also to ratify, confirm and legalize a by-law of the municipal corporation of the said city of Hamilton passed on the *25*th day of *February*, A.D. 189*5*, intituled "By-law number "*772* to extend the time for completion of the iron smelting "works," a copy of which said last mentioned by-law is contained in schedule B to this Act; and whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson and other persons were duly incorporated by letters patent under and by virtue of *The Ontario Joint Stock Companies Letters Patent Act*, on the eighth day of November, A. D. 1893, under the name of the Hamilton Iron and Steel Company (Limited) for the purpose of carrying on the said iron and steel smelting works and for other purposes; and whereas the Hamilton Iron and Steel Company (Limited) hereinafter called "the company" *have also* by *their said* petition prayed that an Act may be passed

confirming the said letters patent ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No 680 confirmed.

1. The said by-law numbered 680 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule A to this Act is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-law No. 772 confirmed.

2. The said by-law numbered *772* of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule B to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-laws to be binding on certain persons and property.

3. It is hereby declared that the said by-laws numbers 680 and 772 passed by the municipal council of the said city of Hamilton as aforesaid and all the conditions and agreements therein contained are and shall be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns and upon the land conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-laws and the plant, buildings machinery and appurtenances thereon or thereto belonging.

Amendment of By-law 680 by By-law 772.

4. It is hereby further declared that the said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of said by-law number *772* and of this Act.

Irregularities in form not to invalidate debentures.

5. No irregularity in the form of the debentures issued or to be issued under the said by-laws or under either of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for

the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Assent of electors not required to By-law 761. 55 V. c. 42.

6. It shall not be necessary to obtain the assent of the electors of the said city of Hamilton to the passing of the said by-law number *772* or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or any Act amending the same.

Letters Patent incorporating the Hamilton Iron and Steel Company confirmed.

7. The letters patent set out in schedule C to this Act and granted under *The Ontario Joint Stock Companies' Letters Patent Act* to the Hamilton Iron and Steel Company (Limited), are hereby ratified and confirmed and held as binding as if originally granted by an Act of the Legislative Assembly of the Province of Ontario and all proceedings taken by the company in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said letters patent had been originally granted by an Act of the Legislative Assembly of Ontario.

Power to construct tramways.

8. The said company is hereby further authorized to construct and maintain a tramway or railway with all necessary side tracks and turnouts to connect the works of the company situate and being constructed on parts of lots numbered seven in the broken front and first concession of the township of Barton with its quarry property situate on part of lot number seven in the third concession of the said township, and to operate the same by steam, electricity or other motive power.

Aid to company.

9. The company may receive from any government, or municipal corporation or from any person or bodies corporate or politic, aid towards the construction, equipment and maintenance of the works authorized under said letters patent and this Act to be undertaken, by way of gift, bonus or loan of money or debentures or other securities for money or real estate or by way of guarantee.

Contracts for construction or equipment.

10. It shall be lawful for the directors to enter into a contract or contracts with any *person or persons* for the construction and equipment of the works authorized by said letters patent and this Act or any portion thereof and to pay therefor either in cash or bonds or in paid up stock or otherwise as may be deemed expedient.

Rights of aliens.

11. Aliens and foreign corporations as well as British subjects and whether residing in Canada or elsewhere may be shareholders in the company and all such shareholders shall be entitled to vote on their shares equally with British subjects, and aliens shall also be eligible to hold office as directors of the company.

SCHEDULE A.

By Law No. 680.

Passed 24th. July, 1893.

For granting a bonus of $75,000 for the promotion of iron smelting works, and the further sum of $60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

Whereas, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, have proposed to establish smelting works in or immediately adjacent to the city of Hamilton, and to expend upon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for such works, the sum of not less than $400,000, the whole of such works to be completed and ready for operation before the 31st. day of December, 1894, and to have a capacity to turn out at least one hundred and fifty tons of pig iron per day, and in consideration of their carrying out such proposal the corporation of the city of Hamilton have agreed by way of bonus for the promotion of said iron smelting works to procure and convey to them the lands hereinafter described upon and subject to the conditions hereinafter contained, and also to pay them a bonus in debentures of the said corporation to the amount of $40,000, provided that the said works shall have been completed and ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, before the 31st. day of December 1894, and that the sum of $400,000 shall then have been expended upon such works.

And whereas, the said corporation have agreed to grant to the said parties, their executors, administrators or assigns the further sum of $60,000 provided they shall before the 31st. day of December ,1896, complete and have ready for operation on the lands hereinafter described, steel smelting works for the manufacture of steel, and shall by that date have expended upon the buildings, plant, machinery and appliances necessary for such steel smelting works, the sum of $400,000 in additon to the moneys expended upon the iron smelting works hereinbefore mentioned.

And whereas, in order to provide for the purchase of the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, Willam Foster, Jr. and Edward H. Thompson, it will be necessary to issue debentures of this municipality for the sum of $35,000 payable as hereinafter provided

And whereas, for the payment of the bonus of $40,000 hereinbefore mentioned it may be necessary to issue debentures of this municipality for the further sum of $40,000, payable as hereinafter provided.

And whereas, for the payment of the bonus of $60,000 hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of $60,000, payable as hereinafter provided.

And whereas, it will be requisite to raise by special rate for paying the debentures for $35,000 hereinbefore first mentioned and interest thereon, the sum of $2,575.65 annually during the currency of such debentures.

And whereas it will also be requisite to raise by special rate, for paying the debentures for $40,000, hereinbefore secondly mentioned, and interest thereon, the sum of $3,160.00 annually during the currency of such debentures.

And whereas, it will be requisite to raise by special rate for paying the debentures for $60,000, hereinbefore thirdly mentioned, and interest thereon, the sum of $5,149.20 annually during the currency of such debentures.

And whereas, the amount of the whole ratable property of the municipality according to the last revised assessment roll is $24,465,640.

And whereas, the existing debenture debt of this municipality amounts to $2,899,145 and no principal or interest is in arrear.

Therefore the municipal council of the city of Hamilton enacts as follows:

1. It shall be lawful for the corporation of said city for the purpose of purchasing the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, their executors, administrators or assigns, to issue debentures of the said municipality to the amount of thirty-five thousand dollars, in sums of not less than one hundred dollars each, payable at the end of twenty years from date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

2. It shall be lawful for the corporation of the said city for the purpose of paying the bonus of forty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of forty thousand dollars, in sums of not less than one hundred dollars each, payable in eighteen years from the date thereof and within twenty years from the

date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debenture.

3. It shall be lawful for the corporation of said city for the purpose of paying the bonus of sixty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of sixty thousand dollars in sums of not less than one hundred dollars each, payable in sixteen years from the date thereof, and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

4. The said debentures as to principal and interest shall be payable at the office of the Treasurer of the said City of Hamilton.

5. It shall be lawful for the mayor of the municipality upon the taking effect of this by-law, and upon the persons hereinbefore named entering into an agreement in the form or to the effect of the agreement appended to this by-law, and he is hereby authorized and instructed upon such taking effect of this by-law, and upon receiving such agreement, to sign the debentures for thirty-five thousand dollars authorized to be issued under the first enacting clause of this by-law and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, and upon receiving a valid convevance of the lands hereinafter mentioned, to deliver such debentures when so signed and sealed to the persons making such conveyance of said lands, and upon receiving such conveyance the mayor and clerk of said municipality are hereby authorized and instructed to convey the said lands by deed under the corporate seal of the said city to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns upon and subject to the condition that the said lands shall revert to the Corporation of the City of Hamilton together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said parties shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant as hereinafter provided for, have completed the said Iron Smelting Works and have the same ready for operation, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon the sum of at least four hundred thousand dollars, provided nevertheless that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machinery and appurtenances thereon

or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of $35,000, with interest thereon from the date when said lands were purchased by the City Corporation.

6. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for forty thousand dollars hereby secondly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality, is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns, of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

7. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for sixty thousand dollars hereby thirdly authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

8. There shall be raised and levied by special rate on all the rateable property in said municipality for payment of the interest on the debentures for $35,000 mentioned in the first enacting clause of this by-law, the sum of $1,400.00 and for payment of the principal of said debentures the sum of $1,175.65 annually, during the currency of such debentures.

9. There shall be raised and levied by special rates on all the ratable property in said municipality for payment of the interest on the debentures for $40,000 mentioned in the second enacting clause of this by-law, the sum of $1,600, and for payment of the principal of said debentures the sum of $1,560 annually during the currency of such debentures.

10. There shall be raised and levied by special rate on all the ratable property in the said municipality for payment of the interest on the debentures for $60,000 mentioned in the third enacting clause of this by-law, the sum of $2,400, and for pay-

ment of the principal of said debentures the sum of $2,749.20 annually, during the currency of such debentures.

11. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Wednesday, the 5th day of July, 1893, commencing at the hour of 9 o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east.	Alex. Turnbull.
1	2	404 King street east.	W. P. Smith.
1	3	61 Ferguson ave. south.	Richard Ellicott.
2	1	146 King street east.	J. M. Ellicott.
2	2	28 Main street east.	F. R. Hutton.
2	3	209 John street south.	A. C. Beasley.
2	4	48 James street south.	Wm. Herman.
3	1	193 King street west.	R. Corner.
3	2	307 Main street west.	M. A. Pennington.
3	3	137 Hannah street west.	Ed. Smith.
3	4	495 King street west.	Wm. Kingdon.
3	5	299 Herkimer street west.	Joseph Kent.
4	1	58 Caroline street north.	Robert Bryce.
4	2	136 Cannon street west.	Chas. Blackman.
4	3	440 King street west.	Jas. Weatherston.
4	4	Corner York and Queen.	Louis McDonald.
4	5	378 York street.	T. Tribute.
4	6	King's pump shop, Dundurn street.	Alfred Richmond.
5	1	13 MacNab street north	A. Hunter.
5	2	City Hall.	Lucien Hills.
5	3	21 Hughson street north.	Robert Leask.
5	4	149 McNab street north.	James Clark.
5	5	363 James street north.	John B. Nelligan.
5	6	503 James street north.	Wm. Buckingham.
6	1	37 John street north.	Charles Reid.
6	2	68 Cannon street east.	James Byrens.
6	3	113 Rebecca street.	Wm. Turnbull.
6	4	225 King William street.	Wm. Allen.
6	5	Shop corner Barton and John streets.	James Houlden.
6	6	364 Mary street	Thomas Smith.
6	7	83 Picton street.	Alex. McPherson.
7	1	83 East ave. north.	Hedley Mason.
7	2	55 Ashley street.	Samuel Robins.
7	3	Corner Barton and East Ave.	Samuel Scott.
7	4	361 Cannon street east.	W. H. Martin.
7	5	Corner Victoria ave. and Albert road.	T. Lawrence.
7	6	Town Hall, Barton.	A. W. Swazie.

12. On Monday, the 3rd day of July, 1893, the mayor shall attend at the Council Chambers at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in opposing or promoting the passing of this by-law.

13. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the City of Hamilton, at 11 o'clock in the forenoon of Friday, the 7th day of July, 1893, and sum up the number of votes given for and against the by-law.

14. This by-law shall take effect on the day of the passing thereof.

TERMS AND CONDITIONS.

The following are the terms and conditions agreed on between this Corporation and the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the grant made by this by-law is hereby declared to be subject thereto, and to be payable to the said parties, their executors, administrators or assigns, in the manner, and at the time set forth therein and not otherwise, and no part thereof shall be paid over to them or any of them except in accordance with and upon the fulfilment of such terms and conditions.

1. The lands to be purchased with the debentures to the amount of $35,000 which are to be issued when this by-law takes effect, and after the agreement mentioned in the fifth enacting clause of this by-law has been received, shall be conveyed to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns, immediately after the purchase thereof by the corporation of the city of Hamilton, upon and subject to the condition that the said lands shall revert to and become the property of the said corporation together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, or some or one of them shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant, as hereinafter provided for, have completed the said iron smelting works upon the lands hereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall not then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machi-

nery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of $35,000, with interest thereon from the date when said lands were purchased by the city corporation.

2. The sum of $40,000 mentioned in the second enacting clause of this by-law shall be paid to the said parties, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law, and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have before the 31st day of December, 1894, completed the said iron smelting works on the lands hereinafter mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works shall be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties shall not by that date have expended for the purposes aforesaid the sum of $400,000, the municipal council of the city shall have power by resolution to extend the time for the expenditure of the balance of said sum of $400,000 for a further period not exceeding one year.

3. The sum of $60,000 mentioned in the third enacting clause of this by-law shall be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have completed before the 31st day of December, 1896, steel smelting works for the manufacture of steel, upon the lands hereinafter described, and shall have expended upon the buildings, plant and machinery therefor the sum of four hundred thousand dollars in addition to all sums expended upon the iron smelting Works in the next preceding paragraph mentioned, and shall have such steel smelting works ready for the manufacture of steel before the said 31st of December, 1896.

4. It is hereby declared that time shall be of the essence of this by-law as to the periods hereinbefore provided for the completion of all the works hereinbefore mentioned and for having them ready for operation, and of the capacity hereinbefore provided and for the expenditure thereon by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the two sums of four hun-

dred thousand dollars each, hereinbefore respectively mentioned, and it is also further declared and agreed that if the said iron smelting works and the said steel smelting works respectively or either of them shall be completed, and the conditions with regard to the same respectively shall be fulfilled before the dates hereinbefore provided for the completion of said works and the fulfilment of said conditions, the debentures to be given by way of bonus for the promotion of such works respectively, may be issued and delivered upon the completion of such works respectively and the fulfilment of the conditions hereinbefore contained with regard thereto, and the time for payment of said debentures respectively and the time from which interest thereon shall begin shall be computed from the date when such works are respectively completed and such conditions are fulfilled.

Passed 24th day of July, A.D. 1893.

(Sd.) T. BEASLEY,
City Clerk. { SEAL }

(Sd.) P. C. BLAICHER,
Mayor.

DESCRIPTION OF THE PROPERTY REFERRED TO IN THE FOREGOING BY-LAW.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Barton and county of Wentworth, and being composed of parts of lots 7, 8 and 9, in the broken front concession of said township and which may be more particularly described as follows:

Commencing at the point where the northerly boundary of land, now owned by one W. C. Harvey, meets the division line between lots 7 and 8 aforesaid, (the said point being distant about two thousand one hundred and seventy-five feet from the rear of the said concession) thence south 73 degrees east, and following the said northerly boundary nine hundred and ten feet, more or less, to a post planted in an inlet or marsh on the original division line, between the properties of Jas. Harvey and A. W. Taylor, thence northerly, and following said original division line to the waters of Burlington Bay, thence westerly and following the waters of Burlington Bay to the said division line between lots 7 and 8, thence southerly and following said division line one thousand one hundred and seventy-two feet, more or less, to the place of beginning.

Also, commencing at a point on the division line between lots 7 and 8 aforesaid, distant about seven hundred and eleven feet southerly from the point of commencement of last parcel, (said point being where a line drawn on a course parallel to the southerly boundary of property owned by W. J. Gage, and

cutting off the southerly ten acres therefrom, would meet the said division line between lots 7 and 8), thence westerly along such line one thousand three hundred and thirty-six feet, more or less, to Sherman avenue, then northerly along Sherman avenue, seven hundred and thirty-eight feet, more or less, to the waters of Burlington Bay, thence easterly following the waters of Burlington Bay to the division line between lots 7 and 8 aforesaid, then southerly and following said division line one thousand five hundred and ninety-four feet, more or less, to the place of beginning.

Also, commencing at a point on the west side of Sherman avenue, distant northerly one hundred and fifty-four feet from the south-west corner of last described parcel, thence westerly and on a course parallel to the southerly boundary of the last described parcel, five hundred and six feet, more or less, to the waters of Burlington Bay, thence northerly and following the waters of Burlington Bay to the west side of Sherman avenue, thence southerly along Sherman avenue to the place of beginning.

FORM OF AGREEMENT REFERRED TO IN THE FOREGOING BY-LAW.

We, the undersigned, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, hereby agree with the corporation of the city of Hamilton, that if on or before the 1st day of August, 1893, the lands mentioned in the foregoing description shall be well and sufficiently conveyed to us, we will, without delay, erect thereon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for the establishment thereon of iron smelting works, and complete the same with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and that in the event of our failure to do so we will make good to the said city corporation all loss they may sustain by reason of their purchase of said lands.

SCHEDULE B.

By-law No. *772*. To Extend the Time for the Completion of the Iron Smelting Works.

Whereas by-law number 680 of this municipality was passed on the 24th day of July, 1893, for granting a bonus of $75,000 for the promotion of iron smelting works, and the further sum of $60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

And whereas it was by said by-law provided that certain lands therein described, which were to be purchased by the corporation of the city of Hamilton with debentures to the amount of $35,000 to be issued under said by-law should be conveyed to Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster Jr., and Edward H. Thompson in said by-law named, their executors, administrators and assigns immediately after the purchase thereof by the corporation of the city of Hamilton upon and subject to the condition that the said lands should revert to and become the property of the said corporation, together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators or assigns or some or one of them should not before the 31st day of December 1894, or within such further time, not exceeding one year, as the municipal council of the city might grant, as thereinafter provided for, have completed the said iron smelting works upon the lands thereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon for the purposes thereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless that the said parties, their executors, administrators or assigns should have the right to repurchase said lands, together with all the plant, buildings, machinery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December 1894, the sum of $35,000 with interest thereon from the date when the said lands were purchased by the city corporation.

And whereas it was by said by-law further provided that the sum of $40,000 mentioned in the second enacting clause thereof should be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns by the delivery to them of debentures to that amount issued under said by-law and bearing interest at four per cent. per annum, but that none of such debentures should be so delivered to the said parties their executors, administrators or assigns, or any of them, unless they should have before the 31st day of December 1894 completed the said iron smelting

works on the lands in the said by-law mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should then have expended thereon for the purposes in said by-law mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works should be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties should not by that date have expended for the purposes aforesaid the sum of four hundred thousand dollars, the municipal council of the city should have power by resolution to extend the time for the expenditure of the balance of said sum of $400,000 for a further period not exceeding one year.

And whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson have proceeded with the construction of the said iron smelting works and are carrying on the works towards completion as fast as possible, but by reason of unforeseen delays in procuring the necessary plant therefor they *have been* unable to complete said works and have the same ready for operation by the 31st day of December, 1894, and have asked for an extension of time for such completion until the first day of *October*, 1895.

And whereas the said corporation have consented to grant such extension of time so far as they have power to do so under said by-law, upon and subject to the terms and conditions hereinafter mentioned:

Therefore the municipal council of the city of Hamilton enacts as follows:

1. The time for the completion of the said iron smelting works and for having the same in actual operation with the capacity mentioned in said by-law shall be extended until the first day of *October*, 1895, and the said by-law shall in all respects be read and construed as if the said date were throughout the said by-law, substituted for the 31st day of December, 1894, and the bonus of $40,000 payable upon the condition that said works should be completed and in actual operation with the capacity mentioned in said by-law before the 1st of *October*, 1895.

2. Before the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns shall be entitled to claim said debentures to the amount of $40,000, they shall procure an Act of the legislature of the province of Ontario sanctioning this by-law and declaring it to be valid, and the conditions and agreements therein contained to be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators and assigns and upon the lands conveyed to them by the corporation of the city of Hamilton under said by-law and the

plant, buildings, machinery and appurtenances thereon or thereunto belonging, and also enacting that said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of this by-law and of such Act.

Passed this *25th* day of *February* A.D. *1895*.

(Signed) T. BEASLEY,
City Clerk.

{SEAL}

(Signed) A. D. STEWART,
Mayor.

[SEAL] SCHEDULE C.

GEORGE A. KIRKPATRICK.
Lieutenant-Governor.

PROVINCE OF ONTARIO.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come: Greeting:

O. MOWAT. *Attorney-General.* WHEREAS by the Revised Statute of the Legislature of Our Province of Ontario entitled *An Act respecting the incorporation of Joint Stock Companies by Letters Patent* it is provided that the Lieutenant-Governor of Our said Province in Council may, by Letters Patent under the Great Seal of Our said Province, grant a charter to any number of persons, not less than five who shall petition therefor constituting such person and others who may become shareholders in the company thereby created a body corporate and politic, for any purposes or objects to which the legislative authority of the said legislature extends, except the construction and working of railways and the business of insurance other than provided by section 4 of *The Ontario Insurance Act*, being chapter 167 of The Revised Statutes of Ontario, 1887.

And whereas by petition addressed to Our Lieutenant-Governor of Ontario in Council Joseph Jennings Morehouse of the city of New York in the state of New York one of the United States of America, manufacturer, James Morehouse of the said city of New York, manufacturer, William Van Veghten Reynolds, of Reynolds, in Rensselaer county in the said state of New York, railroad president, William Foster the younger, of the said city of New York, manufacturer, Edward Harris Thompson of the town of Millerton in Duchess county in the said state of New York, banker, Herbert Nelson Curtis of the said city of New York, manufacturer, John Henry Tilden of the city of Hamilton in the county of Wentworth and Province of Ontario, iron founder, John Milne, of the said city of Hamilton, iron founder, and Robert Jaffray of the city of Toronto in the County of York and Province aforesaid, banker, have prayed that a charter may be granted to them constituting them and such other persons as are or may become shareholders in the proposed company a body corporate and politic for the purposes and objects following, that is to say: (*a*) To carry on the business of exploring for, mining or otherwise acquiring iron, nickel, copper and other metals, materials, mineral and ores; (*b*) To crush, smelt, reduce and manufacture such metals, minerals and ores; (*c*) To carry on the business generally of smelting metals minerals and ores and to manufacture the same and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials all articles of merchandise that may be manufactured therefrom including iron, steel and nickel of all kinds and descriptions and all forms; (*d*) To carry on the business of rolling mills and the manufacture of iron and steel rails and all kinds and classes of muck bar and refined rolled bar iron bessemer and other kinds and descriptions of steel; (*e*) To manufacture charcoal, coke and other fuel and requisites for the said business; (*f*) To aquire by purchase or otherwise such real and personal property, easements, premises, claims, mining locations, limits, privileges or other rights necessary or convenient for the business or operations of the company; (*g*) To erect and establish works, mills, factories, warehouses and other buildings and to operate the same; (*h*) To construct tramways and to operate the same by steam, electricity or other motive power; (*i*) To build, aquire, charter or lease steam and other vessels, boats, piers and wharves, telegraph and telephone lines, aqueducts, dams, water-power roads and other works in connection with the works of the company or which may be deemed necessary or convenient for the business of the company and subject to the approval of the shareholders of the company at a general meeting to be duly called for considering the subject to aid by way of bonus or otherwise the construction or maintenance of any of the same or any railways that may serve or promote the company or its interests; (*j*) To purchase or otherwise acquire such articles of merchandise as may be deemed necess-

ary for the business of the company and to sell or otherwise dispose of the same and any property not further required for the business of the company; (*k*) To issue paid up shares of the capital stock of the company for real or personal property, claims, mining locations, limits, privileges or other rights which may be deemed suitable or necessary for the purposes of the company and; (*l*) To contract with any municipal or other corporation, company, firm or persons with respect to any business of the company under the name of "The Hamilton Iron and Steel Company (Limited)".

And whereas it is further stated by the said petition that the amount of the stock taken by each of the applicants is as follows:

By the said Joseph Jenning Morehouse, James Morehouse, Willam Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson and Herbert Nelson Curtis, each the sum of one thousand dollars and by the said John Henry Tilden, John Milne and Robert Jaffray, each the sum of one hundred dollars

And whereas it has been proved to the satisfaction of Our Lieutenant-Governor in Council that the said applicants have complied with all the requirements of the said Act, as to matters preliminay to the issue of letters patent, and that a notice of the said application containing the particulars required by the sixth section of the said Act has been duly given in *The Ontario Gazette* in accordance with the provisions of the said Act.

Now know ye that by and with the advice of Our Executive Council of Our Province of Ontario and under the authority of the hereinbefore in part recited statute, and of any other power or authority whatsoever in us vested in this behalf, we do by these our letters patent constitute the said Joseph Jennings Morehouse, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray, and all such other persons as shall at any time hereafter become shareholders in the company hereby created under the provisions of the said Act, a body corporate and politic, with perpetual succession and a common seal, by the name of "The Hamilton Iron and Steel Company (Limited)" and capable forthwith of exercising all the functions of an incorporated company for the purposes and objects aforesad, as if incorporated by a special Act of the Legislature of Ontario, and by their corporate name of suing and being sued, pleading and being impleaded in all courts whether of law or equity, and with the powers in the said Act more particularly set forth.

And we direct that the capital stock of the said company be one million dollars and be divided into ten thousand shares of one hundred dollars each; that the operations of the said company be carried on within the said Province of Ontario; that the chief place of business of the company be at the said city of Hamilton and that the said Joseph Jennings More-

house, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray be the first directors of the said company.

And we further direct that no parcel of lands or interest therein at any time acquired by the said company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town in the said province, shall be held by the said company or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security.

And we further direct that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which shall be held by the said company for a longer period than seven years, without being disposed of, shall be forfeited to us for the use of our said province.

And we further direct that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said company of the intention of the Government to claim such forfeiture, and it shall be the duty of the company to give our said Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to this proviso.

And we further direct that the said company shall be subject to the provisions of said Act, being chapter 157 of the Revised Statutes of Ontario, 1887, entitled, *An Act Respecting the Incorporation of Joint Stock Companies by Letters Patent*, and to such further and other provisions as the Legislature of Ontario may hereafter deem expedient in order to secure the due management of its affairs and the protection of its shareholders and creditors.

And we further direct that the charter of the said company shall be forfeited by non-user during three consecutive years at any one time, or if the company does not go into active operation within three years after it is granted; and no declaration of such forfeiture by any Act of the legislature shall be deemed an infringement of such charter.

And we further direct that the charter of the said company may at any time be declared to be forfeited and may be revoked and made void by order of our executive council of our said Province of Ontario on sufficient cause being shown to us in that behalf, and that such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to us may seem proper.

In testimony whereof we have caused these our letters to be made patent and the great seal of our Province of Ontario to be hereunto affixed.

Witness: The Honorable George Airey Kirkpatrick, Member of our Privy Council for Canada and Lieutenant-Governor of our Province of Ontario.

At our Government House, in our city of Toronto, in our said Province, this eighth day of November in the year of our Lord one thousand eight hundred and ninety-three and in the fifty-seventh year of our reign.

By command

(Signed) J. M. GIBSON,

Secretary.

No. 24.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-laws numbers 680 and 772 of the City of Hamilton.

First Reading, 5th March, 1895.
Second Reading, 29th March, 1895.

(*Reprinted as amended by Committee of the Whole House.*)

(Private Bill.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 25.] **BILL.** [1895.

An Act to incorporate the London Radial Electric Railway Company.

Preamble.

WHEREAS John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer and Edward R. Cameron, all of the city of London in the county of Middlesex, have prayed for an Act of incorporation under the name of The London Radial Electric Railway Company, for the purpose of constructing and operating electric railways from the city of London to the villages of Lucan or Granton in the said county of Middlesex passing through the townships of London and Biddulph, in the said county of Middlesex; from the city of London to the town of Parkhill or the village of Ailsa Craig, in the said county of Middlesex, passing through the townships of London, Lobo, East Williams and West Williams in the said county of Middlesex; from the city of London to the villages of Delaware or Mount Brydges, in the said county of Middlesex, passing through the townships of Westminster, Delaware and Caradoc in the said county of Middlesex; from the city of London to the villages of Belmont or Harrietsville, in the said county of Middlesex, passing through the townships of London, Westminster and North Dorchester, in the said county of Middlesex; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer and Edward R. Cameron and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of The London Radial Electric Railway Company.

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and

operate iron or steel railways to be operated by electricity, steam or compressed air with double or single iron or steel tracks from the city of London to the villages of Lucan or Granton, in the county of Middlesex, passing through the townships of London and Biddulph in the said county of Middlesex; from the city of London to the town of Parkhill or the village of Ailsa Craig, in the said county of Middlesex, passing through the townships of London, Lobo, East Williams and West Williams, in the said county of Middlesex; from the city of London to the villages of Delaware or Mount Brydges, in the said county of Middlesex, passing through the townships of Westminster, Delaware and Caradoc, in the said county of Middlesex; and from the city of London to the villages of Belmont or Harrietsville, in the said county of Middlesex, passing through the townships of London, Westminster, and North Dorchester, in the said county of Middlesex; and the said railways or any of them may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring rights for electric lighting, etc.

3. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same.

Gauge.

4. The gauge of the said railway shall be four feet eight and one-half inches.

5. The said John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer, and Edward R. Cameron, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. Provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of London, in the county of Middlesex, or at such other place as may best suit the interest of the said company. Powers of provisional directors. Rev. Stat. c. 170.

7. The capital stock of the company hereby incorporated shall be $500,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*), to be divided into 5,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said Capital stock. Rev. Stat. c. 170.

money shall be applied to the making, equipping, completing and maintaining of the said railways, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

Subscriptions for stock, when binding.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First election of directors.

9. When, and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and in at least one newspaper published in the said city of London, of the time, place and purpose of the said meeting.

Number of—directors and quorum.

10. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office general annual meeting.

11. The head office of the said company shall be at the said city of London, and the general annual meetings of the shareholders of the said company shall be held in such place in the said city of London, or in such other place and on such days, and at such hours, as may be directed by the by-laws of

the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said city of London, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

13. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c. 170.

Power to acquire lands.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public

resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act; and provided also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Rights of aliens.

16. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricity.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for Supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Use of highways by company.

18. Wherever any of the said railways, or their cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating

and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway, or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Crossing railways at grade.

19. Except in cities, towns and incorporated villages the railway of any company (operated by steam) shall not be crossed or intersected by the railways of the company hereby incorporated at grade, except upon such terms as shall be determined by the railway committee.

Issue of debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of The London Radial Electric Railway Municipal Trust Account, and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of

the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

22. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements or with any person or persons, company or companies for the purpose of obtaining the right to run its rolling stock upon the tracks of said other person or persons, company or companies and for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the rails, tracks, sidings, electric motors, carriages, cars, rolling stock and other property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements with electric light companies.

24. The company shall have power to enter into an agreement or agreements with any electric light company, electric railway company or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed.

Telegraph and telephone lines.

25. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act Respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city town or village being first obtained by the said company; provided also, that such telegraph and telephone

lines shall be used exclusively for the purposes of the business of the said company.

Issue of bonds.

26. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 170.

Calls on stock.

27. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Payments on stock or bonds.

28. The said directors or provisional directors may pay, or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

29. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to

authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Conveyances of land to company.

30. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Mortgaging or pledging bonds.

31. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railways.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring material for construction.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railways or any part thereof, or whenever it may be necessary in the interests of the company to divert the railway from the highway and to construct the same over and upon the lands of any corporation or person adjoining the lines of the said railway, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act

Rev. Stat. c. 170.

as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required

Sidings to gravel pits.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 170.

Aid to railway.

35. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Gifts of land.

36 Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities

37. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Submitting bonus by-laws

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concession and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, contents of.

39. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

40. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company be submitted by the council to the duly qualified voters and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality." Meaning of.

41. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law submitted.

42. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if ratepayers consent.

43. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Time of debentures.

44. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures

provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rates on portion of municipality.

45. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

46. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

47. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

49. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid, by way of bonus, to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of ratable property therein.

By-laws granting exemption from taxation.

50. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company pass, or in which they are situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal

corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

52. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, stations, work-shops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Payment of back charges on goods.

53. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

54. The directors of the said company may enter into a contract or contracts with any individual or association or individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor, either in the whole or in part, either in cash or bonds, or in paid up stock: provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation of provisions of Rev. Stat. c. 170.

55. The several clauses of *The Railway Act of Ontario* and of evey Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

56. The railways shall be commenced within two years and completed to the extent of a through connection with either Lucan, Granton, Parkhill, Ailsa Craig, Belmont, Harrietsville, Delaware or Mount Brydges aforesaid, within three years, and finally completed within five years after the passing of this Act.

SCHEDULE A.

(Section 30.)

Know all men by these presents that I
in consideration of dollars paid to me by the

London Radial Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I
in consideration of dollars paid to me, by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel

the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenance unto the said The London Radial Electric Railway Company, their successors and assigns forever

and I the wife of the said
do hereby bar my dower in the
said lands.

As witness my hand and seal this day of
one thousand eight hundred and

Signed, sealed and delivered, [L.S.]
in the presence of,

SCHEDULE B.

(Section 21.)

CHIEF ENGINEER'S CERTIFICATE.

The London Radial Electric Railway Company's office.
No. A.D. 18 .

Engineer's Department

Certificate to be attached to cheques drawn on The London Radial Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer of the London Radial Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of
(or under the agreement dated the day of
18 , between the corporation of and the said company, to entitle the said company to receive from the said trust the sum of

No. 25.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the London Radial Electric Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 25.] BILL. [1895.

An Act to incorporate the London Radial Electric Railway Company.

Preamble.

WHEREAS John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer and Edward R. Cameron, all of the city of London in the county of Middlesex, have prayed for an Act of incorporation under the name of The London Radial Electric Railway Company, for the purpose of constructing and operating electric railways from the city of London to the villages of Lucan or Granton in the said county of Middlesex passing through the townships of London and Biddulph, in the said county of Middlesex; from the city of London to the town of Parkhill or the village of Ailsa Craig, in the said county of Middlesex, passing through the townships of London, Lobo, East Williams and West Williams in the said county of Middlesex; from the city of London to the villages of Delaware or Mount Brydges, in the said county of Middlesex, passing through the townships of Westminster, Delaware and Caradoc in the said county of Middlesex; from the city of London to the villages of Belmont or Harrietsville, in the said county of Middlesex, passing through the townships of London, Westminster and North Dorchester, in the said county of Middlesex; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer and Edward R. Cameron and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The London Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, *make*, complete, *alter and keep in*

repair iron or steel railways to be operated by electricity, with double or single iron or steel tracks from the city of London to the villages of Lucan or Granton, in the county of Middlesex, passing through the townships of London and Biddulph in the said county of Middlesex; from the city of London to the town of Parkhill or the village of Ailsa Craig, in the said county of Middlesex, passing through the townships of London, Lobo, East Williams and West Williams, in the said county of Middlesex; from the city of London to the villages of Dela ware or Mount Brydges, in the said county of Middlesex, passing through the townships of Westminster, Delaware and Caradoc, in the said county of Middlesex; and from the city of London to the villages of Belmont or Harrietsville, in the said county of Middlesex, passing through the townships of London, Westminster, and North Dorchester, in the said county of Middlesex; and the said railways or any of them *or any part thereof* may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the corporations and road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same; provided that the said company shall not be entitled to construct or operate its railways, or any portion of them, upon the Pipe Line Road in the said township of Westminster without the consent by by-law of the corporation of the city of London, being first had and obtained and under and subject to such terms and conditions as may be contained in such by-law; and provided also that the said company shall not expropriate any of the property of the corporation of the city of London, or injure, impair or interfere with any of the rights or privileges of the said corporation or of the water commissioners for the city of London.

Provisional directors.

3. The said John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer, and Edward R. Cameron, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

4. All meetings of the provisional board of directors of the said company shall be held at the city of London, in the county of Middlesex, or at such other place as may best suit the interests of the said company. Meetings of provisional directors.

5. The capital stock of the company hereby incorporated shall be $500,000, to be divided into 5,000 shares of $100 each. Capital stock.

6. The said capital stock of the company of $500,000, shall be applied and appropriated towards the construction of the said railway in the following manner: $100,000 to the section or branch from London to Delaware or Mount Brydges; $150,000 to the section or branch from London to Parkhill or Ailsa Craig; $150,000 to the section or branch from London to Lucan or Granton; and $100,000 to the section or branch from London to Belmont or Harrietsville. When and so soon as twenty-five per cent. of the authorized capital appropriated to any such section or branch has been subscribed, and ten per cent. of the same has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the said company, for the purpose of organization, at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by *The Electric Railway Act, 1895*; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications in the said Act mentioned, elect seven persons to be directors of the said company. Application of capital stock.

7. The head office of the said company shall be at the said city of London. Head office.

8. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $10,000 for each mile of the said railway; and no bonds or debentures shall be issued until twenty-five per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section; and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act, 1895*. Issuing bonds of debentures.

9. The several clauses of *The Electric Railway Act, 1895*, and of evey Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," Incorporation of provisions of Rev. Stat. c. 170.

when used herein, shall be understood to include the clauses of the said *Electric* Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

10. The railways shall be commenced within two years and completed to the extent of a through connection with either Lucan, Granton, Parkhill, Ailsa Craig, Belmont, Harrietsville, Delaware or Mount Brydges aforesaid, within three years, and finally completed within five years after the passing of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the London Radial Electric Railway Company.

First Reading, 1st March, 1895.
Second Reading, 8th April, 1895.

(Private Bill.)

(Reprinted as amended by Railway Committee.)

Mr. Awrey.

TORONTO:
Printed by L. K. Cameron
Printer to the Queen's Most Excellent Majesty.

No. 26] **BILL.** [1895.

An Act to incorporate the Village of International Bridge.

WHEREAS, on the seventh day of June, A. D. 1894, the council of the municipal corporation of the county of Welland did pass a by-law numbered 623, intituled "A by-law for the incorporation of the village of International Bridge;" and whereas, in and by the said by-law the unincorporated village of International Bridge with its immediate neighborhood was thereby erected into a corporation separate and apart from the township of Bertie; and whereas, in the said village so incorporated are situate the property of the International Bridge Company, and also of the Grand Trunk Railway Company of Canada and of the Michigan Central Railway Company, many of the employees of which companies reside in the above-mentioned village of Amigari, and are therefore interested in the taxes paid by the said corporations; and whereas, the area covered by the said two villages is too large to come within the limits of the powers of the council as to incorporation under *The Municipal Act 1892*; and whereas the said by-law has been attacked in the chancery division of the High Court of Justice, on a motion to quash it, and this litigation is now pending; and whereas, it has been agreed by all the parties concerned that application should be made for an Act incorporating the said two villages as one and including within the corporate limits the lands and premises hereinafter described, and fixing the amounts of the assessments of the said corporations upon the properties within these limits at the sums hereinafter named for the period of ten years from, and including, 1895; and whereas certain of the residents of the said two villages and of the parties concerned have by their petition prayed than an Act may be passed incorporating the said villages as one municipality and making provision as to assessment of properties before referred to and for other matters; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of village of International Bridge.

1. From and after the passing of this Act the inhabitants of the said villages of International Bridge and Amigari within the boundaries hereinafter described shall be, and they are hereby constituted a corporation or body politic under the name of the "corporation of the village of International Bridge," separate and apart from the township of Bertie, in which the said villages are situate, and they shall have and enjoy all the rights, powers and privileges now enjoyed or which shall hereafter be conferred upon incorporated villages under the municipal laws of this Province.

Boundaries of village.

2. The said village of International Bridge is hereby declared to be composed of, and to consist of, the lands, with the intervening roads, streets and highways within the following boundaries: On the east, the international boundary line, on the north, a line drawn through the centre of the road known as the Bowen road, and being the road allowance between lots eight and nine in the first and second concessions from Niagara river, from the said Niagara river westerly to a point half-way through the said second concession from Niagara river; on the west, by a line drawn from the point last mentioned across the centre of said second concession to a point on the road known as the Gilmore road, the said road being the road allowance between lots 4 and 5 in the said second concession; on the south, by a line running east along the centre of the said Gilmore road from the last-mentioned point to the western boundary line of the village of Fort Erie, and continuing east from said boundary line along the northern boundary of said village of Fort Erie to the international boundary line, which said lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said township and become the property of the said village in the same manner and to the same extent as if the said villages were incorporated under *The Consolidated Municipal Act, 1892*, and all the provisions of the said Act applicable in the premises, save as herein otherwise provided, shall be taken to apply to the said village.

55 V. c. 42.

Elections of reeves and council for 1895 confirmed.

3. The election of the reeve and other members of the council, held on 31st December, 1894, and on the 7th day of January, 1895, under the said by-law, in the village of International Bridge, is hereby confirmed, and the said council so elected and the village officers appointed by it, are, and they are hereby declared to be, the municipal council and municipal officers of the village incorporated hereunder for the year 1895, and the various acts and proceedings of said council and officials are hereby declared to be as valid and as applicable to the village incorporated hereunder as if the said council had been regularly and lawfully elected by the people thereof under *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

4. The yearly assessment of the property owned by the International Bridge Company within the limits above described and of the property of the Grand Trunk Railway Company and of the Michigan Central Railway Company within said limits is hereby fixed for the period of ten years from, and including, the year 1895 at the sums following, that is to say: The property of the International Bridge Company at the sum of $175,000 in each year; the property of the Grand Trunk Railway Company at the sum of $21,000 in each year; the property of the Michigan Central Railway Company at the sum of $14,000 per year; and for the period aforesaid the said properties shall be assessed in each year at the amounts aforesaid.

Assessment of International Bridge Company and Grand Trunk and Michigan Central Railway Companies

5. The expenses in connection with the procuring the passage of the by-law before referred to through the said county council, and also the expenses incurred by both parties in the application now pending, as above mentioned, and also the expenses incurred in obtaining this Act, and the expenses in connection with the application for an Act incorporating the village of International Bridge in the year 1891, shall be paid by said village to any person or persons entitled thereto.

Expenses of Act.

No. 26.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Village of International Bridge.

First Reading, 1895.

(Private Bill.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26] **BILL.** [1895.

An Act to incorporate the Village of Bridgeburg.

Preamble

WHEREAS, on the seventh day of June, A. D. 1894, the council of the municipal corporation of the county of Welland did pass a by-law numbered 623, intituled "A by-law for the incorporation of the village of International Bridge;" and whereas, in and by the said by-law the unincorporated village of International Bridge with its immediate neighborhood was thereby erected into a corporation separate and apart from the township of Bertie; and whereas, in the said village so incorporated are situate the property of the International Bridge Company, and also of the Grand Trunk Railway Company of Canada and of the *Canada Southern* Railway Company, many of the employees of which companies reside in the village of Amigari, and are therefore interested in the taxes paid by the said corporations; and whereas, the area covered by the said two villages is too large to come within the limits of the powers of the council as to incorporation under *The Municipal Act 1892*; and whereas the said by-law has been attacked in the chancery division of the High Court of Justice, on a motion to quash it, and this litigation is now pending; and whereas, it has been agreed by all the parties concerned that application should be made for an Act incorporating the said two villages as one and including within the corporate limits the lands and premises hereinafter described, and fixing the amounts of the assessments of the said corporations upon the properties within these limits at the sums hereinafter named for the period of ten years from, and including, 1895; and whereas certain of the residents of the said two villages and of the parties concerned have by their petition prayed that an Act may be passed incorporating the said villages as one municipality and making provision as to assessment of properties before referred to and for other matters; and whereas no one has appeared to oppose the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of village of Bridgeburg.

1. From and after the passing of this Act the inhabitants of the said *unincorporated* villages of International Bridge and Amigari within the boundaries hereinafter described shall be, and they are hereby constituted a corporation or body politic under the name of the "corporation of the village of *Bridgeburg*," separate and apart from the township of Bertie, in which the said villages are situate, and they shall have and enjoy all the rights, powers and privileges now enjoyed or which shall hereafter be conferred upon incorporated villages under the municipal laws of this Province.

Boundaries of village.

2. The said village of *Bridgeburg* is hereby declared to be composed of, and to consist of, the lands, with the intervening roads, streets and highways within the following boundaries: On the east, the international boundary line, on the north, a line drawn through the centre of the road known as the Bowen road, and being the road allowance between lots eight and nine in the first and second concessions from Niagara river, from the said Niagara river westerly to a point half-way through the said second concession from Niagara river; on the west, by a line drawn from the point last mentioned across the centre of said second concession to a point on the road known as the Gilmore road, the said road being the road allowance between lots 4 and 5 in the said second concession; on the south, by a line running east along the centre of the said Gilmore road from the last-mentioned point to the western boundary line of the village of Fort Erie, and continuing east from said boundary line along the northern boundary of said village of Fort Erie to the international boundary line, and also the north-east part of lot number three and the east part of lot number four in the second concession from Niagara river in said township, bounded on the east by the east limit of said second concession, on the south by a line drawn parallel to the limit between said lots three and four, and being at the distance of three chains south of said limit; on the west by the westerly limit of the lands of the Grand Trunk Railway Company, and on the north by the north limit of said lot four, and also including the south half of the Gilmore road lying between the northerly production of said easterly and westerly boundaries, which said lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said township and become the property of the said village in the same manner and to the same extent as if the said villages were incorporated under *The Consolidated Municipal Act, 1892*, and all the provisions of the said Act applicable in the premises, save as herein otherwise provided, shall be taken to apply to the said village.

55 V. c. 42.

Elections of reeves and council for 1895 confirmed.

3. The election of the reeve and other members of the council, held on 31st December, 1894, and on the 7th day of January, 1895, under the said by-law, in the village of Inter-

national Bridge, is hereby confirmed, and the said council so elected and the village officers appointed by it, are, and they are hereby declared to be, the municipal council and municipal officers of the village incorporated hereunder for the year 1895, and the various acts and proceedings of said council and officials are hereby declared to be as valid and as applicable to the village incorporated hereunder as if the said council had been regularly and lawfully elected by the people thereof under *The Consolidated Municipal Act, 1892.* 55 V. c. 42.

Assessment of International Bridge Company and Grand Trunk and Michigan Central Railway Companies.

4. The yearly assessment of the property owned by the International Bridge Company within the limits above described and of the property of the Grand Trunk Railway Company and of the *Canada Southern* Railway Company within said limits is hereby fixed for the period of ten years from, and including, the year 1895 at the sums following, that is to say: The property of the International Bridge Company at the sum of $175,000 in each year; the property of the Grand Trunk Railway Company at the sum of $21,000 in each year; the property of the *Canada Southern* Railway Company at the sum of *$13,000 in each* year; and for the period aforesaid the said properties shall be assessed in each year at the amounts aforesaid.

Expenses of Act.

5. The expenses in connection with the procuring the passage of the by-law before referred to through the said county council, and also the expenses incurred by *the applicants on* the *said motion* now pending, the costs of the applicants being hereby fixed at two hundred dollars, and also the expenses incurred in obtaining this Act, and the expenses in connection with the application for an Act incorporating the village of International Bridge in the year 1891, *not to exceed one hundred dollars,* shall be paid by said village to any person or persons entitled thereto.

No. 26.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Village of Bridgeburg.

First Reading, 7th March, 1895.

(Reprinted as amended by Private Bills Committee.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 27.] **BILL.** [1895.

An Act to incorporate the London and Western Ontario Electric Railway Company.

Preamble.

WHEREAS Henry A. Everett, Edward W. Moore, and Greene Pack, all of the city of Cleveland in the State of Ohio, one of the United States of America, and T. H. Smallman, S. R. Break, and Charles H. Ivey, all of the city of London in the county of Middlesex and Province of Ontario, have prayed for an Act of incorporation under the name of "The London and Western Ontario Electric Railway Company," for the purpose of constructing and operating electric railways from the city of London to the city of St. Thomas in the county of Elgin, and from thence to the town of Aylmer, passing through the townships of Westminster, Yarmouth and Malahide; and also from the city of St, Thomas to the village of Port Stanley, passing through the township of Yarmouth; and also from the said city of London to the village of Dorchester in the county of Middlesex, and to the towns of Ingersoll, Woodstock and Tilsonburg in the county of Oxford, passing through the townships of London, Westminster, North Dorchester, North Oxford, West Oxford, East Oxford and Dereham; and also from the said city of London to the villages of Delaware, Mt. Brydges and Glencoe and the town of Strathroy, in the county of Middlesex, passing through the townships of London, Westminster, Lobo, Delaware, Caradoc, Ekfrid, and Metcalfe; and also from the said city of London to the village of Lucan, the town of St. Mary's and the city of Stratford, in the county of Perth, passing through the townships of London, Biddulph, West Nissouri, Blanchard and Downie; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Henry A. Everett, Edward W. Moore, Greene Pack, T. H. Smallman, S. R. Break and Charles H. Ivey, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The London and Western Ontario Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron or steel railways, to be operated by electricity with double or single iron or steel tracks, from the city of London to the city of St. Thomas in the county of Elgin, and from thence to the town of Aylmer, passing through the townships of Westminster, Yarmouth and Malahide; and also from the city of St. Thomas to the village of Port Stanley, passing through the township of Yarmouth; and also from the said city of London to the village of Dorchester in the county of Middlesex, and to the towns of Ingersoll, Woodstock and Tilsonburg in the county of Oxford, passing through the townships of London, Westminster, North Dorchester, North Oxford, West Oxford, East Oxford and Dercham; and also from the said city of London to the villages of Delaware, Mt. Brydges and Glencoe and the town of Strathroy, in the county of Middlesex, passing through the townships of London, Westminster, Lobo, Delaware, Caradoc, Ekfrid, and Metcalfe; and also from the said city of London to the village of Lucan, the town of St. Mary's, and the city of Stratford. in the county of Perth, passing through the townships of London, Biddulph, West Nissouri, Blanchard and Downie, and the said railways, or any of them, may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring rights for electric lighting.

3. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erect-

ed in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

5. The said Henry A. Everett, Edward W. Moore, Greene Pack, T. H. Smallman, S. R. Break and Charles H. Ivey, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. Provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of London, in the county of Middlesex, or at such other place as may best suit the interest of the said company. Powers of provisional directors. Rev. Stat. c. 170.

7. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 10,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and Capital stock. Rev. Stat. c. 170.

for making the surveys, plans and estimates connected with the works hereby authorised, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railways, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

Subscriptions for stock when binding.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First election of directors.

9. When and as soon as shares to the amount of $100,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the dominion, having an office in the Province of Ontario, to the credit of the company and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and at least one newspaper published in the said city of London, of the time, place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office, general annual meeting.

11. The head office of the said company shall be at the said city of London, and the general annual meetings of the shareholders of the said company shall be held in such place in the said city of London, or in such other place and on such

days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said city of London, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

13. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and level had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c. 170.

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Power to acquire lands.

15. The said company is hereby authorized to purchase lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres

in any one municipality ; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto ; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section ; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres ; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act ; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Rights of aliens.

16. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricity.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for Supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Use of highways by company.

18. Wherever any of the said railways or their cars, carriages, engines, motors or machinery is, or are carried, operated or worked for street railway purposes on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of the majority of the members of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and subject also, in all municipalities except cities, towns and incorporated villages

to the written consent first being obtained of one-half in number of the owners of property fronting on such street or highway where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working for street railway purposes the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Crossing railways at grade.

19 Except in cities, towns and incorporated villages the railway of any company (operated by steam) shall not be crossed or intersected by the railways of the company hereby incorporated at grade.

Issues of debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or, if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

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Trusts of proceeds of debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The London and Western Ontario Electric Railway Municipal Trust Account." and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the con-

ditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustee for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

22. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into any agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements with electric light companies.

24. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be contructed.

Telegraph and telephone lines.

25. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines, in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the said

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company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Issue of bonds.

26. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity which the provisions of the said sub-sections.

Rev. Stat. c. 170.

Calls on stock.

27. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Payments in stock or bonds.

28. The said directors or provisional directors may pay, or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the service of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

29. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize

the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Conveyances of land to company.

30. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A, to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Mortgaging or pledging bonds.

31. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railways.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring material for construction.

33. When stone, gravel, earth or sand is, or are required, for the construction or maintenance of said railways or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to

Rev. Stat. c. 170.

the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

Rev. Stat. c. 170.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Aid to railway.

35. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Gifts of lands.

36. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities.

37. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid

shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Submitting bonus by-laws.

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

39. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorised to execute and issue in such cases respectively.

Petition against aid from county.

40. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof, therefrom and the decision of any two of them shall be final, and the by-law confirmed or amended shall thereupon at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the peittioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipalities," meaning of.

41. The term "minor municipality" shall be construed to mean any town not separated from the municipal county township or incorporated village, situate in the county municipality.

Deposit to be made before by-law submitted.

42. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by rate-payers.

43. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

44. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rates on portion of municipality.

45. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55. V. c. 42.

46. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

47. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

49. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

50. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from muncipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses docks etc.

52. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways.

Payment of back charges on goods.

53. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on paymant of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

Contracts for construction and equipment.

54. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation of provisions of Rev. Stat. c. 170.

55. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

56. The railways shall be commenced within three years and completed to the extent of a through connection with either Lucan, Ingersoll, St. Thomas or Strathroy aforesaid, within four years, and finally completed within six years after the passing of this Act.

SCHEDULE A.

(Section 30.)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us), by "The London and Western Ontario Electric Railway Company," the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) *insert the name or names of any other party or parties* in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*), of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said "The London and Western Ontario Electric Railway Company." their successors or assigns forever *here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L. S.]

SCHEDULE B.

(Section 21.)

Chief Engineer's Certificate.

The London and Western Ontario Electric Railway Company's Office.

No. A. D. 18

Engineer's Department.

Certificate to be attached to cheques drawn on "The London and Western Ontario Electric Railway Company Municipal Trust Account" given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of "The London and Western Ontario Electric Railway Company," do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 27.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act incorporate the London and Western Ontario Electric Railway Company.

First Reading, , 1895.

(Private Bill.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 28.] **BILL.** [1895.

An Act to confirm certain Municipal By-laws respecting the Tilsonburg, Lake Erie and Pacific Railway Company and the Port Burwell Harbor.

Preamble.

WHEREAS the Tilsonburg, Lake Erie and Pacific Railway Company and the said corporations of the townships of Bayham and Malahide, the village of Vienna and the town of Tilsonburg have by their joint petition shown: That the construction of the said Tilsonburg, Lake Erie and Pacific Railway from Port Burwell, on the shore of Lake Erie, in the township of Bayham, to the town of Tilsonburg, would be of very great benefit to the said several municipalities; that the said township of Bayham for the purpose of encouraging and assisting in the construction of the said railway did, on the tenth day of September, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 461, to grant aid to the said railway company by way of bonus to the amount of thirty-five thousand dollars, and did, by said by-law, authorize the issue of debentures in the manner therein provided for the purpose of raising the said sum of thirty-five thousand dollars; that the said township of Malahide for the purpose likewise of encouraging and assisting in the construction of the said road did, on the seventh day of January, A.D. 1891, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 554, to grant aid by way of bonus to the said road to the extent of four thousand dollars, and did, by said by-law, authorize the issue of debentures in the manner therein provided, for the purpose of raising the said sum of four thousand dollars; that the said village of Vienna, for like reasons, did also, on the twenty-seventh day of October, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 238, to grant aid by way of bonus to the said company in the sum of three thousand dollars, and, by said by-law, provided for the issue of debentures for such purpose to the amount of the said sum of three thousand dollars; that the said town of Tilsonburg did also, for the same reasons, on the fourteenth day of October, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 229, to aid the said company by way of bonus in

the sum of ten thousand dollars, and did, by said by-law, provide for the issue of debentures for such purpose, to the amount of said sum of ten thousand dollars; that the said township of Houghton has, for the same reasons, on the twenty-eighth day of July, A.D. 1894, with the assent of the ratepayers of said municipality, as required by law, passed a by-law, numbered 276, to aid the said company by way of bonus, in the sum of three thousand dollars, and did, by said by-law, provide for the issue of debentures for such purpose to that amount; that the said township of Bayham did, by by-law numbered 481, passed on the sixth day of March, A.D. 1893, to further encourage and assist the construction of the said road, authorize the transfer of the harbor at the said port of Port Burwell to the said company upon the conditions therein set forth; that by the said respective by-laws of the township of Bayham, the village of Vienna and the town of Tilsonburg, it was provided that the said by-laws should each take effect on the thirty-first day of December, A.D. 1890, and by the said by-law of the township of Malahide, it was provided that the said by-law should take effect on the thirty-first day of January, A.D. 1891; that it was also provided in the said by-laws that the road should be constructed from the port of Port Burwell to the town of Tilsonburg before the said company would be entitled to receive the aid granted by the said by-laws; that it was contemplated at the time of the passing of the said by-laws, that the said company would be able to complete the construction of the said road between the points named, on or before the thirty-first day of December, A.D. 1892, but owing to the difficulties to be encountered in the construction of the said road the same has not yet been completed, and the said municipalities have, by resolution in accordance with the provisions to that effect, contained in the said by-laws, extended the time for the construction and the completion of the said road until the thirty-first day of December, A.D. 1895; that in consequence of the non-construction of the said road in the years 1891, 1892, 1893 and 1894, the said municipalities of Bayham, Malahide, Vienna and Tilsonburg, did not cause the debentures provided for under their said respective by-laws to be issued and did not in each or any of the said years cause to be levied the special annual rates to provide for the payments of the said debentures; that for the purpose of carrying out the intention of the said different bonus by-laws passed by the said municipalities of Bayham, Malahide, Vienna and Tilsonburg, the said municipalities have passed by-laws, as hereinafter specified, so amending the said original bonus by-laws as to provide for the issue of the said debentures during the current year of 1895, and for the distribution of the payment of same over twenty years from the first day of July, A.D. 1895; that a great hardship would result to the said municipalities were they required to issue the said debentures in the manner provided for in the said original by-laws as to the special annual

rates for 1891, 1892, 1893, 1894 and 1895, would all have to be collected in this present year, 1895; that the said municipality of Tilsonburg finding that the provisions of the said original bonus by-law passed by them would render it necessary for the purpose of carrying out the terms of the said by-law that the said company should utilize a portion of the right of way of the Grand Trunk Railway, and that the result of this was likely to seriously interfere with the construction of the said road, did, by by-law numbered 334, of the said municipality, so amend their said original bonus by-law as to provide that if the said Tilsonburg, Lake Erie and Pacific Railway should not be operated by the Grand Trunk that trains on the said railway might depart from and arrive at a station located in the said town at such point in the said town as the council of the town might in future determine upon; that the said amending by-laws of the said several municipalities were passed by the respective councils of the said municipalities without incurring the expense of submitting the same to the ratepayers of the said municipalities; that for the purpose of carrying out the intention of the said original bonus by-laws of the said several municipalities and enabling the said company to proceed now with the construction of the said railway it is necessary that any uncertainties that may exist as to the validity of the several by-laws hereinbefore referred to should be removed and that the said by-laws, as so amended, should be validated and that it should be declared that all debentures that may be issued under the same in accordance with the terms of the said amending by-laws should be declared legal and valid and binding upon the said several municipalities; and whereas the said petitioners have by their petition prayed that an Act may be passed to declare legal and valid the said by-laws of the townships of Bayham and Malahide, the village of Vienna and the town of Tilsonburg hereinbefore referred to as the same may be amended by the by-laws hereinbefore referred to and declare valid all debentures that may be issued under the said by-laws in accordance with said amending by-laws and to confirm the said by-law of the township of Houghton and to declare valid the debentures to be issued thereunder and to confirm the said by-law of the township of Bayham granting to the said company the Port Burwell harbor;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 461 and 498, township of Bayham, confirmed.

1. By-law No. 461, of the township of Bayham, passed on the 10th day of September, A.D. 1890, and set out in the first part of schedule A to this Act as amended by by-law No. 498 of the township of Bayham, passed on the 4th day of February, A.D. 1895, and set out in the second part of schedule A to this Act, is hereby confirmed and declared to be legal and

binding on the said township of Bayham and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 498, or said original by-law No. 461, or anything contained in any Act to the contrary.

Payment of debentures issued by township of Bayham.

2. The debentures to be issued under the said by-law No. 461, of the township of Bayham, as so amended by said by-law No. 498, shall be payable at the times and in the manner set out in said amending by-law No. 498.

By-laws Nos. 554 and 627, of township of Malahide, confirmed.

3. By-law No. 554 of the township of Malahide, passed on the 7th day of January, A.D. 1891, and set out in the first part of schedule B to this Act, as amended by by-law 627 of the township of Malahide, passed on the 3rd day of February, A.D. 1895, and set out in the second part of schedule B to this Act, is hereby confirmed and declared to be legal and binding on the said township of Malahide and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 627, or of said original by-law No. 554, or anything contained in any Act to the contrary.

Payment of debentures issued by township of Malahide.

4. The debentures to be issued under the said by-law No. 554, of the township of Malahide, as so amended by said by-law No. 627, shall be payable at the times and in the manner set out in said amending by-law No. 627.

By-laws 238 and 273, of village of Vienna, confirmed.

5 By-law No. 238, of the village of Vienna, passed on the 27th day of October, A.D. 1890, and set out in the first part of schedule C to this Act, as amended by by-law No. 273 of the village of Vienna, passed on the 12th day of January, A.D. 1895, and set out in the second part of schedule C to this Act, is hereby confirmed and declared to be legal and binding on the said village of Vienna and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 273, or of said original by-law No. 238, or anything contained in any Act to the contrary.

Payment of debentures of village of Vienna.

6. The debentures to be issued under the said by-law No. 238, of the village of Vienna, as so amended by said by-law No. 273, shall be payable at the times and in the manner set out in the said amending by-law No. 273.

By-laws 229, 334 and 355 of town of Tilsonburg, confirmed.

7. By-law No. 229, of the town of Tilsonburg, passed on the 14th day of October, A.D. 1890, and set out in the first part of schedule D to this Act, as amended by by-laws Nos. 334 and 355, of the town of Tilsonburg, passed on the 8th day of January, A.D. 1895, and the 12th day of February, A.D. 1895, respectively, and set out in the second and third parts, respectively, of schedule D to this Act, is hereby confirmed and declared to be legal and binding on the town of Tilsonburg and the ratepayers thereof, notwithstanding any irregu-

larity in the passing or form of said amending by-laws Nos. 334 and 355, or said original by-law No. 229, or anything contained in any Act to the contrary.

Payment of debentures issued by town of Tilsonburg.

8. The debentures to be issued under the said by-law No. 229, of the town of Tilsonburg, as so amended by said by-law No. 355, shall be payable at the times and in the manner set out in said amending by-law No. 355.

By-law No. 276, of the township of Houghton, confirmed.

9. By-law No. 276, of the township of Houghton, passed on the 28th day of July, A.D. 1894, and set out in schedule E to this Act, is hereby confirmed and declared legal and binding on the said township of Houghton and the ratepayers thereof.

By-law 481, of township of Bayham, confirmed.

10. By-law No. 481, of the said township of Bayham, passed on the 6th day of March, A.D. 1893, and set out in schedule F to this Act, is hereby legalized and confirmed and declared to be binding upon the said corporation of the township of Bayham and the ratepayers thereof and the municipal council of the said township of Bayham are hereby authorized and empowered to carry out the provisions of the said by-law on their part upon the due performance of the Acts thereby required to be done by the said company.

SCHEDULE A.

PART 1.

By-law No. 461, of the municipal corporation of the township of Bayham, to aid the Tilsonburg, Lake Erie & Pacific Railway Company by granting thereto the sum of $35,000 by way of bonus, to issue debentures therefor, and provide for payment of such debentures by an annual special rate to be levied upon the said township.

Whereas by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie & Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of the Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company, and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures;

And whereas by *The Municipal Act*, township municipalities are empowered to pass by-laws for granting bonuses to any

railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas the corporation of the township of Bayham has determined to aid the said company in the construction of said railway by granting thereto a bonus of thirty-five thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $35,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of two thousand eight hundred and nine dollars to be raised annually by special rate for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the said township of Bayham, according to the last revised assessment roll of the said township, is the sum of $1,116,130;

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Bayham:

1. That it shall be lawful for the said township of Bayham to aid the Tilsonburg, Lake Erie & Pacific Railway Company by giving thereto by way of bonus debentures to the extent of thirty-five thousand dollars.

2. It shall be lawful for the reeve of the township of Bayham and he is hereby required to issue debentures of the said corporation to the extent of thirty-five thousand dollars in sums of not less than one hundred dollars each and signed by said reeve and the treasurer of the said corporation and sealed with the seal of the said corporation.

3. That the said debentures shall be made payable at the agency of the Molson's Bank in the village of Aylmer, in the county of Elgin, on the days and times and in the amounts following, that is to say:

On the thirty-first day of December,	1891....	$1,059
" "	1892....	1,112
" "	1893....	1,158
" "	1894....	1,226
" "	1895....	1,288
" "	1896....	1,351
" "	1897....	1,420
" "	1898....	1,491
" "	1899....	1,565
" "	1900....	1,643
" "	1901....	1,725
" "	1902....	1,812
" "	1903....	1,915
" "	1904....	1,997
" "	1905....	2,097
" "	1906....	2,202
" "	1907....	2,311

On the thirty-first day of December,	1908....	2,427
" "	1909....	2,548
" "	1910....	2,653

And shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the 31st day of December in each year at the said agency of the Molson's Bank.

5. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of $2,809 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said township of Bayham, in addition to all other rates, during the continuance of the said debentures or any of them.

6. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the 9th clause of this by-law be delivered to Charles O. Ermatinger, Esq., deputy judge, of the county of Elgin, or his successor in office.

7. That the said Ermatinger or his successor in office shall receive the said debentures, with the coupons thereto attached, in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office under the provisions of the next preceding clause hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of the Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell, on or before the 31st day of December, A D. 1892, or on or before such other date thereafter as the said corporation shall by resolution fix and appoint for such completion and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic, and also to

erect and permanently maintain the buildings necessary for the accommodation of the passenger and freight traffic not over one-half mile from the "Ingersoll and Port Burwell" road where it passes through the villages of Eden and Straffordville and at the village of Port Burwell, or such further distance as may be agreed upon between the company and the said municipal corporation at any of the said villages.

10. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or nonapplication thereof; but every such purchaser shall upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

12. That the votes of the qualified electors of the said township shall be taken by ballot on this by-law pursuant to *The Municipal Act*, on the third day of September, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the Oddfellow's Hall, Port Burwell, William E. Burger, deputy returning officer;

For polling sub-division No. 2, at Mrs. Harvey's house, near the old toll gate, in the 3rd concession of said township, W. S. Wagner, deputy returning officer;

For polling sub-division No. 3, at Smuck's schoolhouse, James Nevill, deputy returning officer;

For polling sub-division No. 4, at the town hall, Straffordville, W. H. McCollom, deputy returning officer;

For polling sub-division No. 5, at the town hall, Corinth, Isaac Connor, deputy returning officer;

For polling sub-division No. 6, at the town hall, Eden, James Dean, deputy returning officer.

13. That the clerk of the township of Bayham shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the

said by-law, on Thursday, the 4th day of September, A.D. 1890, at the town hall, Straffordville, at the hour of two o'clock in the afternoon.

14. That the reeve of the said township shall attend at the town hall, Straffordville, on Monday, the 1st day of September, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Read a third time and passed the 10th day of September, A.D. 1890.

(Sgd.) J. G. PAULING. (Sgd.) H. I. GODWIN.

PART 2.

By-law No. 498, of the municipal council of the township of Bayham, to amend by-law No. 461 of the said township.

Whereas by by-law No. 461 passed the tenth day of September, 1890, a bonus of $35,000 was granted to The Tilsonburg, Lake Erie and Pacific Railway Company, and the said by-law was to take effect the thirty-first day of December, 1890;

And whereas by section 9 of the said by-law it is provided that the debentures for the said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done;

And whereas said section 9 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named, on or before the thirty-first December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion;

And whereas the said corporation have by resolution fixed and appointed the thirty-first day of December, 1895, for such completion;

And whereas if the said debentures are dated the thirty-first day of December, 1890, it will require the council of the township to levy upon the ratepayers a sum of nearly $6,000 in one year, which would prove a very great hardship to the ratepayers;

It is hereby enacted by the council of the corporation of the township of Bayham that said by-law No. 461 be and the same is hereby amended as follows, that is to say:—

1. By striking out all of section 3 of said by-law No. 461 between the words "that is to say" and the words "and shall

have attached," and substituting in lieu of the words so struck out, the following words:—

"On the first day of	July, 1896	$1,059
"	" 1897	1,112
"	" 1898	1,158
"	" 1899	1,226
"	" 1900	1,288
"	" 1901	1,351
"	" 1902	1,420
"	" 1903	1,491
"	" 1904	1,565
"	" 1905	1,643
"	" 1906	1,725
"	" 1907	1,812
"	" 1908	1,915
"	" 1909	1,997
"	" 1910	2,097
"	" 1911	2,202
"	" 1912	2,311
"	" 1913	2,427
"	" 1914	2,548
"	" 1915	2,653"

2. By striking out of section 4 of said by-law No. 461 the words "thirty-first day of December" and substituting in lieu of the words so struck out the following words "first day of July."

3. By striking out of section 9 of said by-law No. 461 the words "thirty-first day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words "thirty-first day of December, A.D. 1895."

4. By striking out of section 11 of said by-law No. 461 the words "thirty-first day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words "first day of July, A.D. 1895."

Passed in open council this fourth day of February, A.D. 1895.

(Sgd) J. G. PAULING,
Municipal Clerk.

(Sgd) W. M. FORD,
Reeve. [SEAL.]

SCHEDULE B.

Part 1.

By-law No. 554, of the municipal corporation of the township of Malahide, to aid The Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of $4,000 by way of bonus, to issue debentures therefor and provide for payment of such debentures by annual special rate to be levied upon that portion of the said township of Malahide hereinafter mentioned.

Whereas by an Act of Parliament of Canada, passed in the fifty-third year of Her Majesty's reign, and entitled *An Act to Incorporate The Tilsonburg, Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power so make such grant aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift, or loan in money or debentures;

And whereas by *The Municipal Act* a portion of a township municipality which is interested in securing the construction of a railway is empowered to aid such railway by granting thereto money or debentures by way of bonus, provided that a petition shall have been first presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged, by metes and bounds or lots and concessions, and that such petition shall have been signed by fifty freeholders, resident in such portion of the township, being duly qualified voters under *The Municipal Act*, and township municipalities are by the said *Municipal Act* empowered to pass by-laws for that purpose and for issuing debentures for raising money to meet such bonuses;

And whereas the following portion of the said township of Malahide, to wit: That portion thereof comprised in lots numbers 31, 32, 33, 34, and 35, in the first, second, third and fourth concessions, lots numbers 26, 27, 28, and 29, in the first, second, and third concessions, and lots numbers 21, 22, 23, 24 and 25, in the first and second concessions, and lots 18, 19 and 20, in the first concession of said township is interested in securing the construction of the said Tilsonburg, Lake Erie and Pacific Railway;

And whereas a petition expressing the desire to aid the said railway, by granting the said railway company a bonus of four thousand dollars, defining by lots and concessions, as in the preceding paragraph hereof, the portion of said township to be

charged and signed by fifty freeholders resident in the said defined portion of said township of Malahide, being duly qualified voters under *The Municipal Act*, has been presented to the council of said township;

And whereas the corporation of the township of Malahide has determined to grant the prayer of said petition;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $4,000, as hereinafter mentioned, payable at twenty years, at furthest from the day when this by-law shall take effect;

And whereas it will require the sum of three hundred and twenty-one dollars to be raised annually by special rate for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the hereinafter described portion of the said township of Malahide, according to the last revised assessment of the said township is the sum of $282,110;

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Malahide.

1. That it shall be lawful for the said township of Malahide to aid The Tilsonburg, Lake Erie and Pacific Railway Company, by giving thereto by way of bonus, debentures to the extent of four thousand dollars.

2. It shall be lawful for the reeve of the township of Malahide, and he is hereby required to issue debentures of the said corporation to the extent of four thousand dollars in sums of not less than one hundred dollars each, and signed by the reeve and treasurer of the said corporation and sealed with the seal of the said corporation.

3. That the said debentures shall be made payable at the agency of the Molson's bank, in the town of Aylmer, county of Elgin, on the days and times and in the amounts following, that is to say:—

On the thirty-first day of January,	1892.....	$121
" "	1893.....	127
" "	1894.....	133
" "	1895.....	140
" "	1896.....	147
" "	1897.....	154
" "	1898.....	163
" "	1899.....	170
" "	1900.....	179
" "	1901.....	187
" "	1902.....	197
" "	1903.....	207
" "	1904.....	217
" "	1905.....	229
" "	1906.....	237
" "	1907.....	252

On the thirty-first day of January,	1908.....	264
" "	1909.....	277
" "	1910.....	291
" "	1911	306

And shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the thirty-first day of January in each and every year at the said agency of the Molson's bank.

5. That for the payment of the principal of the said debentures, and the interest at the rate aforesaid, to become due thereon, the sum of $321 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in said portion of the said township of Malahide, being that portion thereof comprised in lots numbers 31, 32, 33, 34 and 35 in the first, second, and third and fourth concessions, lots numbers 26, 27, 28, 29 and 30 in the first, second and third concessions, and lots numbers 21, 22, 23, 24 and 25, in the first and second concessions, and lots 18, 19 and 20, in the first concession of said township in addition to all other rates during the continuance of said debentures or any of them.

6. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the ninth clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office

7. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached, in trust, to deposit the same in some chartered bank, having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation, and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger, or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company, to the village of Port

Burwell, on or before the thirty-first day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall, by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic.

10. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger, or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon or any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever, but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or nonapplication thereof; but every such purchaser shall upon receiving possession of any of said debentures and paying the price agreed upon therefor be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11. That this by-law shall take effect and come into operation on the thirty-first day of January, A.D. 1891.

12. That the votes of the qualified electors of the said hereinbefore mentioned portion of said township shall be taken by ballot on this by-law, pursuant to *The Municipal Act*, on the thirtieth day of December, A.D. 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, at the place and by the returning officer hereunder specified, that is to say:—

At the brick schoolhouse on lot No. 3, concession 2.

Returning Officer, JOHN HAGGAN.

13. That the clerk of the township of Malahide shall be the returning officer for the purpose of taking the vote, and shall sum up the number of votes given for and against the said by-law on Wednesday, the thirty-first day of December, 1890, at the clerk's office, in the town of Aylmer, at the hour of two o'clock in the afternoon.

14. That the reeve of the said township shall attend at his residence, on lot No. 22, on the first concession, on Saturday, the 27th day of December, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the polling place, and at the final summing up of the votes by the

clerk respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Finally passed in Council, this seventh day of January, A.D. 1891.

(Sgd.) M. E. LYON,
Reeve.

JOHN HAGGAN,
Clerk.

SCHEDULE B.

PART TWO.

By-law No. 627 of the Municipal Council of the Township of Malahide, to amend By-law No. 554 of the said Township.

Whereas, by by-law No. 554, passed the 7th day of January, 1891, a bonus of $4,000 was granted to The Tilsonburg, Lake Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of January, 1891;

And whereas, by section 9 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done;

And whereas, said section 9 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion;

And whereas if the said debentures are dated the 31st day of January, 1891, it will require the council of the said township to levy upon the ratepayers in that portion of the said township set forth in the said by-law a sum of nearly $1,300 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the township of Malahide that said by-law No. 554 be and the same is hereby amended as follows, that is to say:

1. By striking out all of section 3 of said by-law No. 554 between the words "that is to say" and the words "and

shall have attached " and substituting in lieu of the words so struck out the following words:

" On the 1st day of July,	1896	$121
" "	1897	127
" "	1898	133
" "	1899	140
" "	1900	147
" "	1901	154
" "	1902	163
" "	1903	170
" "	1904	179
" "	1905	187
" "	1906	197
" "	1907	207
" "	1908	217
" "	1909	229
" "	1910	237
" "	1911	252
" "	1912	264
" "	1913	277
" "	1914	291
" "	1915	306."

2. By striking out of section 4 of said by-law No. 554 the words " 31st day of January " and substituting in lieu of the words so struck out the following words " 1st day of July."

3. By striking out of section 9 of said by-law No. 554 the words " 31st day of December, A.D., 1892," and substituting in lieu of the words so struck out the following words " 31st day of December, 1895."

4. By striking out of section 11 of said by-law No. 554 the words " 31st day of January, A.D. 1891," and substituting in lieu of the words so struck out the following words " 1st day of July, A.D. 1895."

Passed in council held in the town hall this 3rd day of February, A.D. 1895.

(Sgd.) RICHARD LOCKER,
Reeve.

[SEAL].

(Sgd.) JOHN HAGGAN,
Clerk.

SCHEDULE C.

PART ONE.

By-law No. 238 of the Municipal Corporation of the Village of Vienna, to aid the Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of $3,000 by way of bonus to issue Debentures therefor and provide for payment of such Debentures by an annual special rate to be levied upon the said Village.

Whereas by an Act of the Parliament of Canada passed in the fifty-third year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company* power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures;

And whereas by *The Municipal Act*, incorporated village municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas the corporation of the village of Vienna has determined to aid the said company in the construction of said railway by granting thereto a bonus of three thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $3,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of one hundred and fifty dollars to be raised annually to pay the interest on the said debentures, and an annual sum of ninety-one dollars to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate on the whole ratable property of the said village in the year 1891, and in each of the next nineteen succeeding years; and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued, and the interest thereon at 5 per cent. per annum, is the sum of $241;

And whereas the whole ratable property of the said village of Vienna according to the last revised assessment roll of the said village is the sum of $72,764 00;

And whereas there is no existing debenture debt of the said municipality:

Be it therefore enacted by the municipal corporation of the village of Vienna:

1. That it shall be lawful for the said village of Vienna to aid the Tilsonburg, Lake Erie and Pacific Railway Company by giving thereto by way of bonus, debentures to the extent of $3,000.

2. That it shall be lawful for the reeve of the said corporation, and he is hereby required to cause any number of debentures of the said corporation to be made for such sums of money as shall be required for such purpose, of not less than one hundred dollars each and not exceeding in the whole three thousand dollars, which debentures shall be sealed with the seal of the said corporation and signed by the reeve and countersigned by the treasurer of said corporation.

3. That the said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the 31st day of December, 1890, and shall be made payable at the office of the Molsons' bank at Aylmer, and shall bear interest at the rate of five per centum per annum, payable annually on the 31st day of December in each year, at the office of the said Molsons' bank, at Aylmer, and shall have attached to them coupons for payment of the said interest as aforesaid.

4. That for the purpose of paying the said debentures and interest the sum of two hundred and forty-one dollars shall, in addition to all other rates, be assessed, raised, levied and collected upon all the ratable property in the village of Vienna, in each year of the currency of the said debentures, by a special rate sufficient to raise the said sum annually.

5. That the said debentures shall forthwith, upon the execution by the company of the agreement mentioned in the 8th clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

6. That the said Ermatinger, or his successor in office, shall receive the said debentures, with the coupons thereto attached, in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell.

7. That all the coupons accrued due upon such debentures, prior to the company becoming entitled to receive the same from the said Ermatinger, or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

8. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the

company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall, by resolution, fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic, and also to erect and permanently maintain the buildings necessary for the accommodation of the passenger and freight traffic not more than three-quarters of a mile from the intersection of Main and Front streets in the said village of Vienna, or such further distance as may be agreed upon between the company and the said municipal corporation of the said village.

9. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or non-application thereof; but every such purchaser shall, upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

10. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

11. That the votes of the qualified electors of the said village shall be taken by ballot on this by-law pursuant to *The Municipal Act* on the 21st day of October, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the place and by the returning officer hereunder specified, that is to say:

At the town hall, in the said village, by William Watts, clerk of the said village, returning officer.

12. That the clerk of the village of Vienna shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on the 22nd day of October, A.D. 1890, at the said town hall at the hour of two o'clock in the afternoon.

13. That the reeve of the said village shall attend at the said town hall on the 20th day of October, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Read a third time and passed the 27th day of October, A.D. 1890.

(Sgd.) JOHN H. TEALL,
Reeve.

(Sgd.) WILLIAM WATTS,
Municipal Clerk.

SCHEDULE C.

PART 2.

By-law No. 273 of the Municipal Council of the Village of Vienna, to amend By-law No. 238 of the said Village.

Whereas by by-law No. 238, passed the 27th day of October, 1890, a bonus of $3,000 was granted to The Tilsonburg Lake, Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of December, 1890 ;

And whereas by section 8 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas said section 8 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named, on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas, if the said debentures are dated the 31st day of December, 1890, it will require the council of the said village to levy upon the ratepayers a sum of nearly $1,200 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the village of Vienna that said By-law No. 238 be and the same is hereby amended as follows, that is to say :—

1. By striking out of section 3 of said by-law No. 238 the words "31st day of December, 1890," and substituting in lieu of the words so struck out the words "1st day of July, 1895." Also by striking out of said section the words "31st day of December in each year" and substituting in lieu of the the words so struck out the words "1st day of July in each year."

2. By striking out of section 8 of said by-law No. 238 the words "31st day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words, "31st day of December, A.D. 1895."

3. By striking out of section 10 of said by-law No. 238 the words "31st day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words, "1st day of July, A.D. 1895."

(Sgd.) W. WATTS,
Clerk, Vienna.

(Sgd.) JOHN H. TEALL,
Reeve.

SCHEDULE D.

PART 1.

By-law No. 229 of the Municipal Corporation of the Town of Tilsonburg.

To aid The Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of $10,000, by way of bonus, to issue debentures therefor, and provide for payment of such debentures by an annual special rate to be levied upon the said town.

Whereas by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and entitled *An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company, and the village of Port Burwell ;

And whereas the said company is authorized to receive from any municipal body, who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures ;

And whereas by *The Municipal Act* town municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses ;

And whereas the corporation of the town of Tilsonburg has determined to aid the said company in the construction of said railway by granting thereto a bonus of ten thousand dollars ;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $10,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect ;

And whereas it will require the sum of eight hundred and two dollars and fifty cents to be raised annually by special rate for the payment of the said debt and interest ;

And whereas the amount of the whole rateable property in the said town of Tilsonburg, according to the last revised assessment roll of the said town, is the sum of $627,240 ;

And whereas the existing debenture debt of the said municipality amounts to the sum of $37,861, and there is none of the principal or interest in arrear.

Be it therefore enacted by the municipal corporation of the town of Tilsonburg :

1. That it shall be lawful for the said town of Tilsonburg to aid The Tilsonburg, Lake Erie and Pacific Railway Company by giving thereto, by way of bonus, debentures to the extent of ten thousand dollars.

2. It shall be lawful for the mayor of the town of Tilsonburg, and he is hereby required, to issue debentures of the said corporation to the extent of ten thousand dollars, in sums of not less than one hundred dollars each, and signed by said mayor and the treasurer of the said corporation, and sealed with the seal of the said corporation.

3. That the said debentures shall bear interest at the rate of five per centum per annum, and shall be made payable, both principal and interest, at the office of the treasurer of the said corporation in the town of Tilsonburg, in the county of Oxford, on the days and times and in the amounts following, that is to say :

On the 31st day of	December,	1891.....	$302
"	"	1892.....	317
"	"	1893.....	333
"	"	1894.....	350
"	"	1895.....	367
"	"	1896.....	386
"	"	1897.....	405
"	"	1898.....	425

On the 31st day of December,	1899	447
" "	1900	469
" "	1901	493
" "	1902	517
" "	1903	543
" "	1904	570
" "	1905	599
" "	1906	630
" "	1907	660
" "	1908	694
" "	1909	728
" "	1910	765

4. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of $802.50 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said town of Tilsonburg, in addition to all other rates, during the continuance of the said debentures or any of them.

5. That the said debentures shall forthwith, upon the execution by the company of the agreement mentioned in the 8th clause of this by-law, be delivered to Charles O. Ermatinger, Esq, deputy judge of the county of Elgin, or his successor in office.

6. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached, in trust, to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell.

7. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause, hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

8. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of the said Canada Air Line Railway Company, to the village of Port Burwell, on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning

with accommodation for both passenger and freight traffic, and that all regular passenger trains running from the town of Tilsonburg or the line of the said Canada Air Line Railway Company to Port Burwell, or *vice versa*, shall go from and come to the station of the Brantford, Norfolk and Port Burwell Railway, in the town of Tilsonburg, and that all regular mixed trains running from said town or said Canada Air Line Railway to Port Burwell, as aforesaid, or *vice versa*, shall go from and come to the said station of the said Brantford, Norfolk and Port Burwell Railway, in the said town of Tilsonburg or shall run in direct connection with trains going from or coming to such station.

9. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money, or be liable for the misapplication or non-application thereof; but every such purchaser shall, upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be, and be held to be, the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

10. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

11. That the votes of the qualified electors of the said town shall be taken by ballot on this by-law pursuant to the *Municipal Act* on Wednesday, the 8th day of October, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the Council Chamber; John Garnett, deputy returning officer.

For polling sub-division No. 2, in room over the Trader's Bank; R. H. Armstrong, deputy returning officer.

For polling sub-division No. 3, at the Market House; Thos. Barnecott, deputy returning officer.

13. That the clerk of the town of Tilsonburg shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on Thursday, the ninth day of October, A.D. 1890, at his office in the town of Tilsonburg, at the hour of two o'clock in the afternoon.

12. That the mayor of the said town shall attend at his office in Tilsonburg on Tuesday, the seventh day of October, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Read a third time and passed this fourteenth day of October, 1890.

(Sgd.) E. C. JACKSON, Town Clerk. (Sgd.) J. C. ROSS, Mayor. [L.S.]

SCHEDULE D.

PART 2.

By-law No. 334 of the Municipal Corporation of the Town of Tilsonburg, to amend by-law No. 229 of the said Town.

Whereas by section 8 of by-law No. 229 of the town of Tilsonburg, The Tilsonburg, Lake Erie and Pacific Railway Company were required to cause all trains on the said railway to depart from and arrive at the Tilsonburg station of The Brantford, Norfolk and Port Burwell Railway;

And whereas the foregoing condition was inserted in said by-law upon the supposition that the said Tilsonburg, Lake Erie and Pacific Railway would be constructed and operated by the Grand Trunk Railway Company as agreed upon with the general manager thereof;

And whereas the said Grand Trunk Railway Company have since refused to carry into effect the arrangement entered into by their general manager, and such refusal makes it impossible for the said Tilsonburg, Lake Erie and Pacific Railway Company to comply with the conditions of section 8 of the said by-law;

And whereas the objects to be attained by section 8 may be secured by the erection of a station in another locality, and it is of great importance to the business interests of the town of Tilsonburg that the said section of the Tilsonburg, Lake Erie and Pacific Railway between Tilsonburg and Port Burwell shall be built and operated at as early a date as possible;

Be it therefore enacted by the municipal council of the town of Tilsonburg.

1. That by-law No. 229 of the said town be and the same is hereby amended by adding the following words after the word

"station" in the last line of section 8 of the said by-law No 229, namely : "if the said Tilsonburg, Lake Erie and Pacific Railway is operated by the said Grand Trunk Railway Company of Canada, and if the said Tilsonburg, Lake Erie and Pacific Railway is not so operated, then trains on the said railway may depart from and arrive at a station located in the said town of Tilsonburg at such a point in the said town as the council of the said town may in future determine upon."

Read a third time and passed the 8th day of January, 1895.

(Sgd.) E. C. JACKSON,
Town Clerk.

(Sgd.) WM. M. BRADY,
Mayor.

SCHEDULE D.

PART 3.

By-law No. 355 of the Municipal Council of the Town of Tilsonburg, to amend By-law No. 229 of the said Town.

Whereas by by-law No. 229 passed the 14th day of October A.D. 1890, a bonus of $10,000 was granted to The Tilsonburg Lake Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of December, 1890 ;

And whereas by section 8 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas said section 8 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas if the said debentures are dated the 31st day of December, 1890, it will require the council of the said town to levy upon the ratepayers a sum of about $4,000 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the town of Tilsonburg that said by-law No. 229 be and the same is hereby amended as follows, that is to say:

1. By striking out all of section 3 of said by-law No. 229 after the words, "that is to say" and substituting in lieu of the words so struck out the following words:

"On the 1st day of July,	1896	$302
" "	1897	317
" "	1898	333
" "	1899	350
" "	1900	367
" "	1901	386
" "	1902	405
" "	1903	425
" "	1904	447
" "	1905	469
" "	1906	493
" "	1907	517
" "	1908	543
" "	1909	570
" "	1910	599
" "	1911	630
" "	1912	660
" "	1913	694
" "	1914	728
" "	1915	765

2. By striking out of section 8 of said by-law No. 229 the words "31st day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words, "31st day of December, A.D. 1895."

3. By striking out of section 10 of said by-law No. 229 the words "31st day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words, "1st day of July, A.D. 1895."

Read a third time and passed the 12th day of February, 1895.

(Sgd.) W. J. WILKINS,
Mayor.

(Sgd.) E. C. JACKSON, [SEAL]
Town Clerk.

SCHEDULE E.

By-law No. 276.

Of the Municipal Corporation of the Township of Houghton, to aid the Tilsonburg Lake Erie and Pacific Railway Company, by granting thereto the sum of $3,000 by way of bonus, to issue Debentures therefor and provide for payment of such Debentures by an annual special rate to be levied upon a portion of the said Township.

Whereas by an Act of the Parliament of Canada passed in the 53rd year of Her Majesty's reign and entitled *An Act to Incorporate the Tilsonburg Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway by way of bonus, gift or loan in money or debentures;

And whereas by *The Municipal Act*, township municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas that portion of the township of Houghton comprised within the following boundaries that is to say, commencing at the southwest corner of the said township, thence along the southerly boundary to the easterly limit of lot twelve south of the lake road, thence northerly along the road allowance between lots twelve and thirteen to the northern limit of lot seven in the fourth concession; thence westerly along the road allowance between lots seven and eight to the eastern limit of the second concession, thence northerly along the road allowance between the second and third concessions to the town line between Houghton and North Walsingham, thence northerly and westerly to the town line between the townships of Houghton, North Walsingham and Middleton, to the northern angle of the township of Houghton, thence southerly along the town line between Houghton and Bayham to the place of beginning;

And whereas the above described portion of the said township of Houghton has determined to aid the said company in the construction of said railway, by granting thereto a bonus of three thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $3,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of two hundred and forty-one dollars to be raised annually by special rate upon the taxable property of the said township of Houghton comprised within limits above set forth for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the above described portion of the township of Houghton, according to the last revised assessment roll of the said township, being for the year 1893, is the sum of two hundred and ninety thousand, one hundred and eighty dollars ($290,180);

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Houghton:

1st. That it shall be lawful for the said described portion of the township of Houghton to aid The Tilsonburg Lake Erie and Pacific Railway Company by giving thereto by way of bonus debentures to the extent of three thousand dollars.

2nd. It shall be lawful for the reeve of the township of Houghton and he is hereby required to issue debentures of the said corporation to the extent of three thousand dollars in sums of not less than one hundred dollars each and signed by said reeve and the treasurer of the said corporation and sealed with the seal of the said corporation.

3rd. That the said debentures shall be made payable at the agency of the Traders bank in the town of Tilsonburg in the county of Oxford, on the days and times and in the amounts following, that is to say:

On the 31st day of July,	1895	$ 90 60
" "	1896	95 40
" "	1897	99 60
" "	1898	105 00
" "	1899	110 40
" "	1900	115 80
" "	1901	121 80
" "	1902	127 80
" "	1903	133 80
" "	1904	141 00
" "	1905	147 60
" "	1906	155 40
" "	1907	162 60
" "	1908	171 00
" "	1909	180 00
" "	1910	188 40
" "	1911	198 00
" "	1912	208 20
" "	1913	218 40
" "	1914	229 20

and shall have attached to them coupons for the payment of interest.

4th. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the 31st day of January in each year at the said agency of the Traders' bank.

5th. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of $241 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said described portion of the said township of Houghton in addition to all other rates during the continuance of the said debentures or any of them.

6th. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the ninth clause of this by-law be delivered to C. O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

7th. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successor or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8th. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation of the township of Houghton, and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9th. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation of Houghton, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of the Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell, with a station near the road running east from Griffin's corners, on or before the 31st day of December, 1895, or on or before such other date thereafter as the said corporation of Houghton shall by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning, with accommodation for both passenger and freight traffic.

10th. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no one shall be entitled to enforce

payment of the same or any part thereof or of the interest thereon of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever, but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or non-application thereof, but every such purchaser shall upon receiving possession of any of said debentures and paying the price agreed upon therefor be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11th. That this by-law shall take effect and come into operation on the 31st day of July, 1894.

12th. That the votes of the qualified electors of the said township shall be taken by ballot on this by-law, pursuant to *The Municipal Act*, on Tuesday, the 26th day of June, 1894, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the old post office in the village of Houghton Centre; Thomas McCord, deputy returning officer.

For polling sub-division No. 2, at W. W. William's office in the village of Fairground; W. W. Williams, deputy returning officer.

For polling sub-division No. 3, at W. Y. Emery's farm house, near Mosher's schoolhouse; Thomas Forsyth, deputy returning officer.

13th. That the clerk of the township of Houghton shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on Saturday, the 30th day of June, 1894, at the town hall, Fairground, at the hour of ten o'clock in the forenoon.

14th. That the reeve of the said township of Houghton shall attend at the town hall, Fairground, on Saturday, the 14th day of June, 1894, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Passed in open council on 28th day of July, 1894.

(Sgd.) JAS. BOYD, [L.S.]
Clerk.

(Sgd.) WM. KELLY,
Reeve.

SCHEDULE F.

By-law No. 481 of the Municipal Corporation of the Township of Bayham, to transfer the Harbor and Harbor Property at Port Burwell, now owned by the said Corporation, to The Tilsonburg, Lake Erie and Pacific Railway Company.

Whereas, the harbor and harbor property at Port Burwell, on Lake Erie has become the property of the corporation of the township of Bayham, and the said corporation is unable to make the repairs now required by the said harbor, and to maintain it in proper condition, to make it safe for vessels, and unless proper repairs are made at an early day the said harbor will become totally unfit for use;

And whereas, The Tilsonburg, Lake Erie and Pacific Railway Company propose to construct a line of railway from the town of Tilsonburg to the said harbor at Port Burwell, and desire to have the said harbor put in proper repair, so as to fit it for general lake traffic;

And whereas, the corporation of the township of Bayham is anxious to secure the construction of the said railway and the improvement of the said harbor;

Be it therefore enacted by the council of the corporation of the township of Bayham:—

1st. That it shall be lawful for the said council to transfer to the said The Tilsonburg, Lake Erie and Pacific Railway Company all the rights, title and interest the said corporation of the township of Bayham now have in the harbor and harbor property at Port Burwell, upon the conditions hereinafter set forth:

2nd. The reeve and clerk of the said corporation of the township of Bayham are hereby authorized and instructed to execute a deed of the said harbor and harbor property at Port Burwell in favor of the said The Tilsonburg, Lake Erie and Pacific Railway Company, reserving the right to the said corporation of the township of Bayham of full control of all gravel that now is or may be at any time and at all times on the beach on the said Port Burwell harbor lands, together with a right of way through said Port Burwell harbor lands at all times to remove said gravel for township or other uses.

(*a*) Previous to the execution of the said deed by the reeve and clerk and the transfer of the said harbor and harbor property to the said The Tilsonburg, Lake Erie and Pacific Railway Company, they, the said railway company, shall construct their railway within the time limited by resolution of the said council of the township of Bayham, and shall cause the said harbor to be repaired, so as to make it safe for the use of vessels drawing at least twelve feet of water, within five years from and after the passing of this by-law.

(*b*) The reeve and clerk of the said township of Bayham are hereby authorized to execute bonds on behalf of the said corporation of the township of Bayham with the said The

Tilsonburg, Lake Erie and Pacific Railway Company, in compliance with the conditions set forth in this by-law.

3rd. That should the said harbor and harbor property at Port Burwell be transferred as herein provided for to the said The Tilsonburg, Lake Erie and Pacific Railway Company, then the said harbor and harbor property are hereby exempted from all taxation for a period of ten years from and after the passing of this by-law.

Passed in open council this 6th day of March, A.D. 1883.

(Sgd.) W. M. FORD,
Reeve. [L.S].

(Sgd.) J. G. PAULING,
Municipal Clerk.

5—28

No. 28.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm certain Municipal By-laws respecting the Tilsonburg, Lake Erie and Pacific Railway Company and the Port Burwell Harbor.

First Reading, 1895.

(Private Bill.)

Mr. McKay,
(Oxford.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 28.] **BILL.** [1895.

An Act to confirm certain Municipal By-laws respecting the Tilsonburg, Lake Erie and Pacific Railway Company and the Port Burwell Harbor.

Preamble.

WHEREAS the Tilsonburg, Lake Erie and Pacific Railway Company and the said corporations of the townships of Bayham and Malahide, the village of Vienna and the town of Tilsonburg have by their joint petition shown: That the construction of the said Tilsonburg, Lake Erie and Pacific Railway from Port Burwell, on the shore of Lake Erie, in the township of Bayham, to the town of Tilsonburg, would be of very great benefit to the said several municipalities; that the said township of Bayham for the purpose of encouraging and assisting in the construction of the said railway did, on the tenth day of September, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 461, to grant aid to the said railway company by way of bonus to the amount of thirty-five thousand dollars, and did, by said by-law, authorize the issue of debentures in the manner therein provided for the purpose of raising the said sum of thirty-five thousand dollars; that the said township of Malahide for the purpose likewise of encouraging and assisting in the construction of the said road did, on the seventh day of January, A.D. 1891, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 554, to grant aid by way of bonus to the said road to the extent of four thousand dollars, and did, by said by-law, authorize the issue of debentures in the manner therein provided, for the purpose of raising the said sum of four thousand dollars; that the said village of Vienna, for like reasons, did also, on the twenty-seventh day of October, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 238, to grant aid by way of bonus to the said company in the sum of three thousand dollars, and, by said by-law, provided for the issue of debentures for such purpose to the amount of the said sum of three thousand dollars; that the said town of Tilsonburg did also, for the same reasons, on the fourteenth day of October, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 229, to aid the said company by way of bonus in

the sum of ten thousand dollars, and did, by said by-law, provide for the issue of debentures for such purpose, to the amount of said sum of ten thousand dollars; that the said township of Houghton has, for the same reasons, on the twenty-eighth day of July, A.D. 1894, with the assent of the ratepayers of said municipality, as required by law, passed a by-law, numbered 276, to aid the said company by way of bonus, in the sum of three thousand dollars, and did, by said by-law, provide for the issue of debentures for such purpose to that amount; that the said township of Bayham did, by by-law numbered 481, passed on the sixth day of March, A.D. 1893, to further encourage and assist the construction of the said road, authorize the transfer of the harbor at the said port of Port Burwell to the said company upon the conditions therein set forth; that by the said respective by-laws of the township of Bayham, the village of Vienna and the town of Tilsonburg, it was provided that the said by-laws should each take effect on the thirty-first day of December, A.D. 1890, and by the said by-law of the township of Malahide, it was provided that the said by-law should take effect on the thirty-first day of January, A.D. 1891; that it was also provided in the said by-laws that the road should be constructed from the port of Port Burwell to the town of Tilsonburg before the said company would be entitled to receive the aid granted by the said by-laws; that it was contemplated at the time of the passing of the said by-laws, that the said company would be able to complete the construction of the said road between the points named, on or before the thirty-first day of December, A.D. 1892, but owing to the difficulties to be encountered in the construction of the said road the same has not yet been completed, and the said municipalities have, by resolution in accordance with the provisions to that effect, contained in the said by-laws, extended the time for the construction and the completion of the said road until the thirty-first day of December, A.D. 1895; that in consequence of the non-construction of the said road in the years 1891, 1892, 1893 and 1894, the said municipalities of Bayham, Malahide, Vienna and Tilsonburg, did not cause the debentures provided for under their said respective by-laws to be issued and did not in each or any of the said years cause to be levied the special annual rates to provide for the payments of the said debentures; that for the purpose of carrying out the intention of the said different bonus by-laws passed by the said municipalities of Bayham, Malahide, Vienna and Tilsonburg, the said municipalities have passed by-laws, as hereinafter specified, so amending the said original bonus by-laws as to provide for the issue of the said debentures during the current year of 1895, and for the distribution of the payment of same over twenty years from the first day of July, A.D. 1895; that a great hardship would result to the said municipalities were they required to issue the said debentures in the manner provided for in the said original by-laws as to the special annual

rates for 1891, 1892, 1893, 1894 and 1895, would all have to be collected in this present year, 1895; that the said municipality of Tilsonburg finding that the provisions of the said original bonus by-law passed by them would render it necessary for the purpose of carrying out the terms of the said by-law that the said company should utilize a portion of the right of way of the Grand Trunk Railway, and that the result of this was likely to seriously interfere with the construction of the said road, did, by by-law numbered 334, of the said municipality, so amend their said original bonus by-law as to provide that if the said Tilsonburg, Lake Erie and Pacific Railway should not be operated by the Grand Trunk that trains on the said railway might depart from and arrive at a station located in the said town at such point in the said town as the council of the town might in future determine upon; that the said amending by-laws of the said several municipalities were passed by the respective councils of the said municipalities without incurring the expense of submitting the same to the ratepayers of the said municipalities; that for the purpose of carrying out the intention of the said original bonus by-laws of the said several municipalities and enabling the said company to proceed now with the construction of the said railway it is necessary that any uncertainties that may exist as to the validity of the several by-laws hereinbefore referred to should be removed and that the said by-laws, as so amended, should be validated and that it should be declared that all debentures that may be issued under the same in accordance with the terms of the said amending by-laws should be declared legal and valid and binding upon the said several municipalities; and whereas the said petitioners have by their petition prayed that an Act may be passed to declare legal and valid the said by-laws of the townships of Bayham and Malahide, the village of Vienna and the town of Tilsonburg hereinbefore referred to as the same may be amended by the by-laws hereinbefore referred to and declare valid all debentures that may be issued under the said by-laws in accordance with said amending by-laws and to confirm the said by-law of the township of Houghton and to declare valid the debentures to be issued thereunder and to confirm the said by-law of the township of Bayham granting to the said company the Port Burwell harbor;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 461 and 498, township of Bayham, confirmed.

1. By-law No. 461, of the township of Bayham, passed on the 10th day of September, A.D. 1890, and set out in the first part of schedule A to this Act as amended by by-law No. 498 of the township of Bayham, passed on the 4th day of February, A.D. 1895, and set out in the second part of schedule A to this Act, is hereby confirmed and declared to be legal and

binding on the said township of Bayham and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 498, or said original by-law No. 461, or anything contained in any Act to the contrary.

Payment of debentures issued by township of Bayham.

2. The debentures to be issued under the said by-law No. 461, of the township of Bayham, as so amended by said by-law No. 498, shall be payable at the times and in the manner set out in said amending by-law No. 498.

By-laws Nos. 554 and 627, of township of Malahide, confirmed.

3. By-law No. 554 of the township of Malahide, passed on the 7th day of January, A.D. 1891, and set out in the first part of schedule B to this Act, as amended by by-law 627 of the township of Malahide, passed on the 3rd day of February, A.D. 1895, and set out in the second part of schedule B to this Act, is hereby confirmed and declared to be legal and binding on the said township of Malahide and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No 627, or of said original by-law No. 554, or anything contained in any Act to the contrary.

Payment of debentures issued by township of Malahide.

4. The debentures to be issued under the said by-law No. 554, of the township of Malahide, as so amended by said by-law No. 627, shall be payable at the times and in the manner set out in said amending by-law No. 627.

By-laws 238 and 273, of village of Vienna, confirmed.

5 By-law No. 238, of the village of Vienna, passed on the 27th day of October, A.D. 1890, and set out in the first part of schedule C to this Act, as amended by by-law No. 273 of the village of Vienna, passed on the 12th day of January, A.D. 1895, and set out in the second part of schedule C to this Act, is hereby confirmed and declared to be legal and binding on the said village of Vienna and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 273, or of said original by-law No. 238, or anything contained in any Act to the contrary.

Payment of debentures of village of Vienna.

6. The debentures to be issued under the said by-law No. 238, of the village of Vienna, as so amended by said by-law No. 273, shall be payable at the times and in the manner set out in the said amending by-law No. 273.

By-laws 229, 334 and 355 of town of Tilsonburg, confirmed.

7. By-law No. 229, of the town of Tilsonburg, passed on the 14th day of October, A.D. 1890, and set out in the first part of schedule D to this Act, as amended by by-laws Nos. 334 and 355, of the town of Tilsonburg, passed on the 8th day of January, A.D. 1895, and the 12th day of February, A.D. 1895, respectively, and set out in the second and third parts, respectively, of schedule D to this Act, is hereby confirmed and declared to be legal and binding on the town of Tilsonburg and the ratepayers thereof, notwithstanding any irregu-

larity in the passing or form of said amending by-laws Nos. 334 and 355 or said original by-law No. 229, or anything contained in any Act to the contrary.

Payment of debentures issued by town of Tilsonburg.

8. The debentures to be issued under the said by-law No. 229, of the town of Tilsonburg, as so amended by said by-law No. 355, shall be payable at the times and in the manner set out in said amending by-law No. 355.

By-law No. 276, of the township of Houghton, confirmed.

9. By-law No. 276, of the township of Houghton, passed on the 28th day of July, A.D. 1894, and set out in schedule E to this Act, is hereby confirmed and declared legal and binding on the said township of Houghton and the ratepayers thereof.

By-law 481, of township of Bayham, confirmed.

10. By-law No. 481, of the said township of Bayham, passed on the 6th day of March, A.D. 1893, and set out in schedule F to this Act, is hereby legalized and confirmed and declared to be binding upon the said corporation of the township of Bayham and the ratepayers thereof and the municipal council of the said township of Bayham are hereby authorized and empowered to carry out the provsions of the said by-law on their part upon the due performance of the Acts thereby required to be done by the said company; ☞ provided, however, that nothing herein contained shall be so construed as to imply any restriction or the right to impose any restriction upon freedom of navigation or the use of the said harbor by vessels and steamers in the same way and to the same extent as if this section had not been passed. ☜

Proviso.

SCHEDULE A.

PART 1.

By-law No. 461, of the municipal corporation of the township of Bayham, to aid the Tilsonburg, Lake Erie & Pacific Railway Company by granting thereto the sum of $35,000 by way of bonus, to issue debentures therefor, and provide for payment of such debentures by an annual special rate to be levied upon the said township.

Whereas by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie & Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of the Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company, and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures;

And whereas by *The Municipal Act*, township municipalities are empowered to pass by-laws for granting bonuses to any

railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas the corporation of the township of Bayham has determined to aid the said company in the construction of said railway by granting thereto a bonus of thirty-five thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $35,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of two thousand eight hundred and nine dollars to be raised annually by special rate for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the said township of Bayham, according to the last revised assessment roll of the said township, is the sum of $1,116,130;

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Bayham:

1. That it shall be lawful for the said township of Bayham to aid the Tilsonburg, Lake Erie & Pacific Railway Company by giving thereto by way of bonus debentures to the extent of thirty-five thousand dollars.

2. It shall be lawful for the reeve of the township of Bayham and he is hereby required to issue debentures of the said corporation to the extent of thirty-five thousand dollars in sums of not less than one hundred dollars each and signed by said reeve and the treasurer of the said corporation and sealed with the seal of the said corporation.

3. That the said debentures shall be made payable at the agency of the Molson's Bank in the village of Aylmer, in the county of Elgin, on the days and times and in the amounts following, that is to say:

On the thirty-first day of December,	1891....	$1,059
" "	1892....	1,112
" "	1893....	1,158
" "	1894....	1,226
" "	1895....	1,288
" "	1896....	1,351
" "	1897....	1,420
" "	1898....	1,491
" "	1899....	1,565
" "	1900....	1,643
" "	1901....	1,725
" "	1902....	1,812
" "	1903....	1,915
" "	1904....	1,997
" "	1905....	2,097
" "	1906....	2,202
" "	1907....	2,311

On the thirty-first day of December,	1908....	2,427
" "	1909....	2,548
" "	1910....	2,653

And shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the 31st day of December in each year at the said agency of the Molson's Bank.

5. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of $2,809 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said township of Bayham, in addition to all other rates, during the continuance of the said debentures or any of them.

6. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the 9th clause of this by-law be delivered to Charles O. Ermatinger, Esq., deputy judge, of the county of Elgin, or his successor in office.

7. That the said Ermatinger or his successor in office shall receive the said debentures, with the coupons thereto attached, in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office under the provisions of the next preceding clause hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of the Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell, on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall by resolution fix and appoint for such completion and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic, and also to

erect and permanently maintain the buildings necessary for the accommodation of the passenger and freight traffic not over one-half mile from the "Ingersoll and Port Burwell" road where it passes through the villages of Eden and Straffordville and at the village of Port Burwell, or such further distance as may be agreed upon between the company and the said municipal corporation at any of the said villages.

10. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or nonapplication thereof; but every such purchaser shall upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

12. That the votes of the qualified electors of the said township shall be taken by ballot on this by-law pursuant to *The Municipal Act*, on the third day of September, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the Oddfellow's Hall, Port Burwell, William E. Burger, deputy returning officer;

For polling sub-division No 2, at Mrs. Harvey's house, near the old toll gate, in the 3rd concession of said township, W. S. Wagner, deputy returning officer;

For polling sub-division No. 3, at Smuck's schoolhouse, James Nevill, deputy returning officer;

For polling sub-division No. 4, at the town hall, Straffordville, W. H. McCollom, deputy returning officer;

For polling sub-division No. 5, at the town hall, Corinth, Isaac Connor, deputy returning officer;

For polling sub-division No. 6, at the town hall, Eden, James Dean, deputy returning officer.

13. That the clerk of the township of Bayham shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the

said by-law, on Thursday, the 4th day of September, A.D. 1890, at the town hall, Straffordville, at the hour of two o'clock in the afternoon.

14. That the reeve of the said township shall attend at the town hall, Straffordville, on Monday, the 1st day of September, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Read a third time and passed the 10th day of September, A.D. 1890.

(Sgd.) J. G. PAULING. (Sgd.) H. I. GODWIN.

PART 2.

By-law No. 498, of the municipal council of the township of Bayham, to amend by-law No. 461 of the said township.

Whereas by by-law No. 461 passed the tenth day of September, 1890, a bonus of $35,000 was granted to The Tilsonburg, Lake Erie and Pacific Railway Company, and the said by-law was to take effect the thirty-first day of December, 1890;

And whereas by section 9 of the said by-law it is provided that the debentures for the said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done;

And whereas said section 9 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named, on or before the thirty-first December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion;

And whereas the said corporation have by resolution fixed and appointed the thirty-first day of December, 1895, for such completion;

And whereas if the said debentures are dated the thirty-first day of December, 1890, it will require the council of the township to levy upon the ratepayers a sum of nearly $6,000 in one year, which would prove a very great hardship to the ratepayers;

It is hereby enacted by the council of the corporation of the township of Bayham that said by-law No. 461 be and the same is hereby amended as follows, that is to say:—

1. By striking out all of section 3 of said by-law No. 461 between the words "that is to say" and the words "and shall

have attached," and substituting in lieu of the words so struck out, the following words:—

"On the first day of	July,	1896	$1,059
"	"	1897	1,112
"	"	1898	1,158
"	"	1899	1,226
"	"	1900	1,288
"	"	1901	1,351
"	"	1902	1,420
"	"	1903	1,491
"	"	1904	1,565
"	"	1905	1,643
"	"	1906	1,725
"	"	1907	1,812
"	"	1908	1,915
"	"	1909	1,997
"	"	1910	2,097
"	"	1911	2,202
"	"	1912	2,311
"	"	1913	2,427
"	"	1914	2,548
"	"	1915	2,653"

2. By striking out of section 4 of said by-law No. 461 the words "thirty-first day of December" and substituting in lieu of the words so struck out the following words "first day of July."

3. By striking out of section 9 of said by-law No. 461 the words "thirty-first day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words "thirty-first day of December, A.D. 1895."

4. By striking out of section 11 of said by-law No. 461 the words "thirty-first day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words "first day of July, A.D. 1895."

Passed in open council this fourth day of February, A.D. 1895.

(Sgd) J. G. PAULING,
Municipal Clerk.

(Sgd) W. M. FORD,
Reeve. [SEAL.]

SCHEDULE B.

PART 1.

By-law No. 554, of the municipal corporation of the township of Malahide, to aid The Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of $4,000 by way of bonus, to issue debentures therefor and provide for payment of such debentures by annual special rate to be levied upon that portion of the said township of Malahide hereinafter mentioned.

Whereas by an Act of Parliament of Canada, passed in the fifty-third year of Her Majesty's reign, and entitled *An Act to Incorporate The Tilsonburg, Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power so make such grant aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift, or loan in money or debentures;

And whereas by *The Municipal Act* a portion of a township municipality which is interested in securing the construction of a railway is empowered to aid such railway by granting thereto money or debentures by way of bonus, provided that a petition shall have been first presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged, by metes and bounds or lots and concessions, and that such petition shall have been signed by fifty freeholders, resident in such portion of the township, being duly qualified voters under *The Municipal Act*, and township municipalities are by the said *Municipal Act* empowered to pass by-laws for that purpose and for issuing debentures for raising money to meet such bonuses;

And whereas the following portion of the said township of Malahide, to wit: That portion thereof comprised in lots numbers 31, 32, 33, 34, and 35, in the first, second, third and fourth concessions, lots numbers 26, 27, 28, and 29, in the first, second, and third concessions, and lots numbers 21, 22, 23, 24 and 25, in the first and second concessions, and lots 18, 19 and 20, in the first concession of said township is interested in securing the construction of the said Tilsonburg, Lake Erie and Pacific Railway;

And whereas a petition expressing the desire to aid the said railway, by granting the said railway company a bonus of four thousand dollars, defining by lots and concessions, as in the preceding paragraph hereof, the portion of said township to be

charged and signed by fifty freeholders resident in the said defined portion of said township of Malahide, being duly qualified voters under *The Municipal Act,* has been presented to the council of said township;

And whereas the corporation of the township of Malahide has determined to grant the prayer of said petition;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $4,000, as hereinafter mentioned, payable at twenty years, at furthest from the day when this by-law shall take effect;

And whereas it will require the sum of three hundred and twenty-one dollars to be raised annually by special rate for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the hereinafter described portion of the said township of Malahide, according to the last revised assessment of the said township is the sum of $282,110;

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Malahide.

1. That it shall be lawful for the said township of Malahide to aid The Tilsonburg, Lake Erie and Pacific Railway Company, by giving thereto by way of bonus, debentures to the extent of four thousand dollars.

2. It shall be lawful for the reeve of the township of Malahide, and he is hereby required to issue debentures of the said corporation to the extent of four thousand dollars in sums of not less than one hundred dollars each, and signed by the reeve and treasurer of the said corporation and sealed with the seal of the said corporation.

3. That the said debentures shall be made payable at the agency of the Molson's bank, in the town of Aylmer, county of Elgin, on the days and times and in the amounts following, that is to say:—

On the thirty-first day of January,	1892.....	$121
" "	1893.....	127
" "	1894.....	133
" "	1895.....	140
" "	1896.....	147
" "	1897.....	154
" "	1898.....	163
" "	1899.....	170
" "	1900.....	179
" "	1901.....	187
" "	1902.....	197
" "	1903.....	207
" "	1904.....	217
" "	1905.....	229
" "	1906.....	237
" "	1907.....	252

On the thirty-first day of January,	1908.....	264
" "	1909.....	277
" "	1910.....	291
" "	1911	306

And shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the thirty-first day of January in each and every year at the said agency of the Molson's bank.

5. That for the payment of the principal of the said debentures, and the interest at the rate aforesaid, to become due thereon, the sum of $321 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in said portion of the said township of Malahide, being that portion thereof comprised in lots numbers 31, 32, 33, 34 and 35 in the first, second, and third and fourth concessions, lots numbers 26, 27, 28, 29 and 30 in the first, second and third concessions, and lots numbers 21, 22, 23, 24 and 25, in the first and second concessions, and lots 18, 19 and 20, in the first concession of said township in addition to all other rates during the continuance of said debentures or any of them.

6. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the ninth clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office

7. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached, in trust, to deposit the same in some chartered bank, having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation, and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger, or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company, to the village of Port

Burwell, on or before the thirty-first day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall, by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic.

10. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger, or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon or any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever, but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or nonapplication thereof; but every such purchaser shall upon receiving possession of any of said debentures and paying the price agreed upon therefor be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11. That this by-law shall take effect and come into operation on the thirty-first day of January, A.D. 1891.

12. That the votes of the qualified electors of the said hereinbefore mentioned portion of said township shall be taken by ballot on this by-law, pursuant to *The Municipal Act*, on the thirtieth day of December, A.D. 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, at the place and by the returning officer hereunder specified, that is to say:—

At the brick schoolhouse on lot No. 3, concession 2.

Returning Officer, JOHN HAGGAN.

13. That the clerk of the township of Malahide shall be the returning officer for the purpose of taking the vote, and shall sum up the number of votes given for and against the said by-law on Wednesday, the thirty-first day of December, 1890, at the clerk's office, in the town of Aylmer, at the hour of two o'clock in the afternoon.

14. That the reeve of the said township shall attend at his residence, on lot No. 22, on the first concession, on Saturday, the 27th day of December, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the polling place, and at the final summing up of the votes by the

clerk respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Finally passed in Council, this seventh day of January, A.D. 1891.

(Sgd.) M. E. LYON,
Reeve.

JOHN HAGGAN,
Clerk.

SCHEDULE B.

PART TWO.

By-law No. 627 of the Municipal Council of the Township of Malahide, to amend By-law No. 554 of the said Township.

Whereas, by by-law No. 554, passed the 7th day of January, 1891, a bonus of $4,000 was granted to The Tilsonburg, Lake Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of January, 1891 ;

And whereas, by section 9 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas, said section 9 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas if the said debentures are dated the 31st day of January, 1891, it will require the council of the said township to levy upon the ratepayers in that portion of the said township set forth in the said by-law a sum of nearly $1,300 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the township of Malahide that said by-law No. 554 be and the same is hereby amended as follows, that is to say :

1. By striking out all of section 3 of said by-law No. 554 between the words "that is to say" and the words "and

shall have attached " and substituting in lieu of the words so struck out the following words:

" On the 1st day of July,	1896	$121
" "	1897	127
" "	1898	133
" "	1899	140
" "	1900	147
" "	1901	154
" "	1902	163
" "	1903	170
" "	1904	179
" "	1905	187
" "	1906	197
" "	1907	207
" "	1908	217
" "	1909	229
" "	1910	237
" "	1911	252
" "	1912	264
" "	1913	277
" "	1914	291
" "	1915	306."

2. By striking out of section 4 of said by-law No. 554 the words " 31st day of January " and substituting in lieu of the words so struck out the following words " 1st day of July."

3. By striking out of section 9 of said by-law No. 554 the words " 31st day of December, A.D., 1892," and substituting in lieu of the words so struck out the following words " 31st day of December, 1895."

4. By striking out of section 11 of said by-law No. 554 the words " 31st day of January, A.D. 1891," and substituting in lieu of the words so struck out the following words " 1st day of July, A.D. 1895."

Passed in council held in the town hall this 3rd day of February, A.D. 1895.

(Sgd.) RICHARD LOCKER,
Reeve.

(Sgd.) JOHN HAGGAN, [SEAL].
Clerk.

SCHEDULE C.

Part One.

By-law No. 238 of the Municipal Corporation of the Village of Vienna, to aid the Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of $3,000 by way of bonus to issue Debentures therefor and provide for payment of such Debentures by an annual special rate to be levied upon the said Village.

Whereas by an Act of the Parliament of Canada passed in the fifty-third year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company* power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures;

And whereas by *The Municipal Act*, incorporated village municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas the corporation of the village of Vienna has determined to aid the said company in the construction of said railway by granting thereto a bonus of three thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $3,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of one hundred and fifty dollars to be raised annually to pay the interest on the said debentures, and an annual sum of ninety-one dollars to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate on the whole ratable property of the said village in the year 1891, and in each of the next nineteen succeeding years; and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued, and the interest thereon at 5 per cent. per annum, is the sum of $241;

And whereas the whole ratable property of the said village of Vienna according to the last revised assessment roll of the said village is the sum of $72,764.00;

And whereas there is no existing debenture debt of the said municipality:

Be it therefore enacted by the municipal corporation of the village of Vienna:

1. That it shall be lawful for the said village of Vienna to aid the Tilsonburg, Lake Erie and Pacific Railway Company by giving thereto by way of bonus, debentures to the extent of $3,000.

2. That it shall be lawful for the reeve of the said corporation, and he is hereby required to cause any number of debentures of the said corporation to be made for such sums of money as shall be required for such purpose, of not less than one hundred dollars each and not exceeding in the whole three thousand dollars, which debentures shall be sealed with the seal of the said corporation and signed by the reeve and countersigned by the treasurer of said corporation.

3. That the said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the 31st day of December, 1890, and shall be made payable at the office of the Molsons' bank at Aylmer, and shall bear interest at the rate of five per centum per annum, payable annually on the 31st day of December in each year, at the office of the said Molsons' bank, at Aylmer, and shall have attached to them coupons for payment of the said interest as aforesaid.

4. That for the purpose of paying the said debentures and interest the sum of two hundred and forty-one dollars shall, in addition to all other rates, be assessed, raised, levied and collected upon all the ratable property in the village of Vienna, in each year of the currency of the said debentures, by a special rate sufficient to raise the said sum annually.

5. That the said debentures shall forthwith, upon the execution by the company of the agreement mentioned in the 8th clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

6. That the said Ermatinger, or his successor in office, shall receive the said debentures, with the coupons thereto attached, in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell.

7. That all the coupons accrued due upon such debentures, prior to the company becoming entitled to receive the same from the said Ermatinger, or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

8. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the

company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall, by resolution, fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic, and also to erect and permanently maintain the buildings necessary for the accommodation of the passenger and freight traffic not more than three-quarters of a mile from the intersection of Main and Front streets in the said village of Vienna, or such further distance as may be agreed upon between the company and the said municipal corporation of the said village.

9. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or non-application thereof; but every such purchaser shall, upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

10. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

11. That the votes of the qualified electors of the said village shall be taken by ballot on this by-law pursuant to *The Municipal Act* on the 21st day of October, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the place and by the returning officer hereunder specified, that is to say:

At the town hall, in the said village, by William Watts, clerk of the said village, returning officer.

12. That the clerk of the village of Vienna shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on the 22nd day of October, A.D. 1890, at the said town hall at the hour of two o'clock in the afternoon.

13. That the reeve of the said village shall attend at the said town hall on the 20th day of October, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Read a third time and passed the 27th day of October, A.D. 1890.

(Sgd.) JOHN H. TEALL,
Reeve.

(Sgd.) WILLIAM WATTS,
Municipal Clerk.

SCHEDULE C.

PART 2.

By-law No. 273 of the Municipal Council of the Village of Vienna, to amend By-law No. 238 of the said Village.

Whereas by by-law No. 238, passed the 27th day of October, 1890, a bonus of $3,000 was granted to The Tilsonburg Lake, Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of December, 1890 ;

And whereas by section 8 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas said section 8 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named, on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas, if the said debentures are dated the 31st day of December, 1890, it will require the council of the said village to levy upon the ratepayers a sum of nearly $1,200 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the village of Vienna that said By-law No. 238 be and the same is hereby amended as follows, that is to say :—

1. By striking out of section 3 of said by-law No. 238 the words "31st day of December, 1890," and substituting in lieu of the words so struck out the words "1st day of July, 1895." Also by striking out of said section the words "31st day of December in each year" and substituting in lieu of the the words so struck out the words "1st day of July in each year."

2. By striking out of section 8 of said by-law No. 238 the words "31st day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words, "31st day of December, A.D. 1895."

3. By striking out of section 10 of said by-law No. 238 the words "31st day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words, "1st day of July, A.D. 1895."

(Sgd.) W. WATTS,
Clerk, Vienna.

(Sgd.) JOHN H. TEALL,
Reeve.

SCHEDULE D.

PART 1.

By-law No. 229 of the Municipal Corporation of the Town of Tilsonburg.

To aid The Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of $10,000, by way of bonus, to issue debentures therefor, and provide for payment of such debentures by an annual special rate to be levied upon the said town.

Whereas by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and entitled *An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company, and the village of Port Burwell ;

And whereas the said company is authorized to receive from any municipal body, who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures ;

And whereas by *The Municipal Act* town municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses ;

And whereas the corporation of the town of Tilsonburg has determined to aid the said company in the construction of said railway by granting thereto a bonus of ten thousand dollars ;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $10,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect ;

And whereas it will require the sum of eight hundred and two dollars and fifty cents to be raised annually by special rate for the payment of the said debt and interest ;

And whereas the amount of the whole rateable property in the said town of Tilsonburg, according to the last revised assessment roll of the said town, is the sum of $627,240 ;

And whereas the existing debenture debt of the said municipality amounts to the sum of $37,861, and there is none of the principal or interest in arrear.

Be it therefore enacted by the municipal corporation of the town of Tilsonburg :

1. That it shall be lawful for the said town of Tilsonburg to aid The Tilsonburg, Lake Erie and Pacific Railway Company by giving thereto, by way of bonus, debentures to the extent of ten thousand dollars.

2. It shall be lawful for the mayor of the town of Tilsonburg, and he is hereby required, to issue debentures of the said corporation to the extent of ten thousand dollars, in sums of not less than one hundred dollars each, and signed by said mayor and the treasurer of the said corporation, and sealed with the seal of the said corporation.

3. That the said debentures shall bear interest at the rate of five per centum per annum, and shall be made payable, both principal and interest, at the office of the treasurer of the said corporation in the town of Tilsonburg, in the county of Oxford, on the days and times and in the amounts following, that is to say :

On the 31st	day of	December, 1891	$302
"	"	1892	317
"	"	1893	333
"	"	1894	350
"	"	1895	367
"	"	1896	386
"	"	1897	405
"	"	1898	425

On the 31st day of December,	1899	447
" "	1900	469
" "	1901	493
" "	1902	517
" "	1903	543
" "	1904	570
" "	1905	599
" "	1906	630
" "	1907	660
" "	1908	694
" "	1909	728
" "	1910	765

4. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of $802.50 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said town of Tilsonburg, in addition to all other rates, during the continuance of the said debentures or any of them.

5. That the said debentures shall forthwith, upon the execution by the company of the agreement mentioned in the 8th clause of this by-law, be delivered to Charles O. Ermatinger, Esq, deputy judge of the county of Elgin, or his successor in office.

6. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached, in trust, to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell.

7. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause, hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

8. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of the said Canada Air Line Railway Company, to the village of Port Burwell, on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning

with accommodation for both passenger and freight traffic, and that all regular passenger trains running from the town of Tilsonburg or the line of the said Canada Air Line Railway Company to Port Burwell, or *vice versa*, shall go from and come to the station of the Brantford, Norfolk and Port Burwell Railway, in the town of Tilsonburg, and that all regular mixed trains running from said town or said Canada Air Line Railway to Port Burwell, as aforesaid, or *vice versa*, shall go from and come to the said station of the said Brantford, Norfolk and Port Burwell Railway, in the said town of Tilsonburg or shall run in direct connection with trains going from or coming to such station.

9. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money, or be liable for the misapplication or non-application thereof; but every such purchaser shall, upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be, and be held to be, the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

10. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

11. That the votes of the qualified electors of the said town shall be taken by ballot on this by-law pursuant to the *Municipal Act* on Wednesday, the 8th day of October, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the Council Chamber; John Garnett, deputy returning officer.

For polling sub-division No. 2, in room over the Trader's Bank; R. H. Armstrong, deputy returning officer.

For polling sub-division No. 3, at the Market House; Thos. Barnecott, deputy returning officer.

13. That the clerk of the town of Tilsonburg shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on Thursday, the ninth day of October, A.D. 1890, at his office in the town of Tilsonburg, at the hour of two o'clock in the afternoon.

12. That the mayor of the said town shall attend at his office in Tilsonburg on Tuesday, the seventh day of October, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Read a third time and passed this fourteenth day of October, 1890.

(Sgd.) E. C. JACKSON, Town Clerk.

(Sgd.) J. C. ROSS, Mayor. [L.S.]

SCHEDULE D.

PART 2.

By-law No. 334 of the Municipal Corporation of the Town of Tilsonburg, to amend by-law No. 229 of the said Town.

Whereas by section 8 of by-law No. 229 of the town of Tilsonburg, The Tilsonburg, Lake Erie and Pacific Railway Company were required to cause all trains on the said railway to depart from and arrive at the Tilsonburg station of The Brantford Norfolk and Port Burwell Railway;

And whereas the foregoing condition was inserted in said by-law upon the supposition that the said Tilsonburg, Lake Erie and Pacific Railway would be constructed and operated by the Grand Trunk Railway Company as agreed upon with the general manager thereof;

And whereas the said Grand Trunk Railway Company have since refused to carry into effect the arrangement entered into by their general manager, and such refusal makes it impossible for the said Tilsonburg, Lake Erie and Pacific Railway Company to comply with the conditions of section 8 of the said by-law;

And whereas the objects to be attained by section 8 may be secured by the erection of a station in another locality, and it is of great importance to the business interests of the town of Tilsonburg that the said section of the Tilsonburg, Lake Erie and Pacific Railway between Tilsonburg and Port Burwell shall be built and operated at as early a date as possible;

Be it therefore enacted by the municipal council of the town of Tilsonburg.

1. That by-law No. 229 of the said town be and the same is hereby amended by adding the following words after the word

"station" in the last line of section 8 of the said by-law No. 229, namely : "if the said Tilsonburg, Lake Erie and Pacific Railway is operated by the said Grand Trunk Railway Company of Canada, and if the said Tilsonburg, Lake Erie and Pacific Railway is not so operated, then trains on the said railway may depart from and arrive at a station located in the said town of Tilsonburg at such a point in the said town as the council of the said town may in future determine upon."

Read a third time and passed the 8th day of January, 1895.

(Sgd.) E. C. JACKSON,
Town Clerk.

(Sgd.) WM. M. BRADY,
Mayor.

SCHEDULE D.

PART 3.

By-law No. 355 of the Municipal Council of the Town of Tilsonburg, to amend By-law No. 229 of the said Town.

Whereas by by-law No. 229 passed the 14th day of October A.D. 1890, a bonus of $10,000 was granted to The Tilsonburg Lake Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of December, 1890 ;

And whereas by section 8 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas said section 8 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas if the said debentures are dated the 31st day of December, 1890, it will require the council of the said town to levy upon the ratepayers a sum of about $4,000 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the town of Tilsonburg that said by-law No. 229 be and the same is hereby amended as follows, that is to say:

1. By striking out all of section 3 of said by-law No. 229 after the words, "that is to say" and substituting in lieu of the words so struck out the following words:

"On the 1st day of July,	1896	$302
" "	1897	317
" "	1898	333
" "	1899	350
" "	1900	367
" "	1901	386
" "	1902	405
" "	1903	425
" "	1904	447
" "	1905	469
" "	1906	493
" "	1907	517
" "	1908	543
" "	1909	570
" "	1910	599
" "	1911	630
" "	1912	660
" "	1913	694
" "	1914	728
" "	1915	765

2. By striking out of section 8 of said by-law No. 229 the words "31st day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words, "31st day of December, A.D. 1895."

3. By striking out of section 10 of said by-law No. 229 the words "31st day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words, "1st day of July, A.D. 1895."

Read a third time and passed the 12th day of February, 1895.

(Sgd.) W. J. WILKINS,
Mayor.

(Sgd.) E. C. JACKSON, [SEAL]
Town Clerk.

SCHEDULE E.

By-law No. 276.

Of the Municipal Corporation of the Township of Houghton, to aid the Tilsonburg Lake Erie and Pacific Railway Company, by granting thereto the sum of $3,000 by way of bonus, to issue Debentures therefor and provide for payment of such Debentures by an annual special rate to be levied upon a portion of the said Township.

Whereas by an Act of the Parliament of Canada passed in the 53rd year of Her Majesty's reign and entitled *An Act to Incorporate the Tilsonburg Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway by way of bonus, gift or loan in money or debentures;

And whereas by *The Municipal Act*, township municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas that portion of the township of Houghton comprised within the following boundaries that is to say, commencing at the southwest corner of the said township, thence along the southerly boundary to the easterly limit of lot twelve south of the lake road, thence northerly along the road allowance between lots twelve and thirteen to the northern limit of lot seven in the fourth concession; thence westerly along the road allowance between lots seven and eight to the eastern limit of the second concession, thence northerly along the road allowance between the second and third concessions to the town line between Houghton and North Walsingham, thence northerly and westerly to the town line between the townships of Houghton, North Walsingham and Middleton, to the northern angle of the township of Houghton, thence southerly along the town line between Houghton and Bayham to the place of beginning;

And whereas the above described portion of the said township of Houghton has determined to aid the said company in the construction of said railway, by granting thereto a bonus of three thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of $3,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of two hundred and forty-one dollars to be raised annually by special rate upon the taxable property of the said township of Houghton comprised within limits above set forth for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the above described portion of the township of Houghton, according to the last revised assessment roll of the said township, being for the year 1893, is the sum of two hundred and ninety thousand, one hundred and eighty dollars ($290,180);

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Houghton:

1st. That it shall be lawful for the said described portion of the township of Houghton to aid The Tilsonburg Lake Erie and Pacific Railway Company by giving thereto by way of bonus debentures to the extent of three thousand dollars.

2nd. It shall be lawful for the reeve of the township of Houghton and he is hereby required to issue debentures of the said corporation to the extent of three thousand dollars in sums of not less than one hundred dollars each and signed by said reeve and the treasurer of the said corporation and sealed with the seal of the said corporation.

3rd. That the said debentures shall be made payable at the agency of the Traders bank in the town of Tilsonburg in the county of Oxford, on the days and times and in the amounts following, that is to say:

On the 31st day of July,	1895	$ 90 60
" "	1896	95 40
" "	1897	99 60
" "	1898	105 00
" "	1899	110 40
" "	1900	115 80
" "	1901	121 80
" "	1902	127 80
" "	1903	133 80
" "	1904	141 00
" "	1905	147 60
" "	1906	155 40
" "	1907	162 60
" "	1908	171 00
" "	1909	180 00
" "	1910	188 40
" "	1911	198 00
" "	1912	208 20
" "	1913	218 40
" "	1914	229 20

and shall have attached to them coupons for the payment of interest.

4th. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the 31st day of January in each year at the said agency of the Traders' bank.

5th. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of $241 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said described portion of the said township of Houghton in addition to all other rates during the continuance of the said debentures or any of them.

6th. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the ninth clause of this by-law be delivered to C. O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

7th. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successor or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8th. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation of the township of Houghton, and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9th. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation of Houghton, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of the Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell, with a station near the road running east from Griffin's corners, on or before the 31st day of December, 1895, or on or before such other date thereafter as the said corporation of Houghton shall by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning, with accommodation for both passenger and freight traffic.

10th. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no one shall be entitled to enforce

payment of the same or any part thereof or of the interest thereon of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever, but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or non-application thereof, but every such purchaser shall upon receiving possession of any of said debentures and paying the price agreed upon therefor be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11th. That this by-law shall take effect and come into operation on the 31st day of July, 1894.

12th. That the votes of the qualified electors of the said township shall be taken by ballot on this by-law, pursuant to *The Municipal Act*, on Tuesday, the 26th day of June, 1894, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the old post office in the village of Houghton Centre; Thomas McCord, deputy returning officer.

For polling sub-division No. 2, at W. W. William's office in the village of Fairground; W. W. Williams, deputy returning officer.

For polling sub-division No. 3, at W. Y. Emery's farm house, near Mosher's schoolhouse; Thomas Forsyth, deputy returning officer.

13th. That the clerk of the township of Houghton shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on Saturday, the 30th day of June, 1894, at the town hall, Fairground, at the hour of ten o'clock in the forenoon.

14th. That the reeve of the said township of Houghton shall attend at the town hall, Fairground, on Saturday, the 14th day of June, 1894, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Passed in open council on 28th day of July, 1894.

(Sgd.) JAS. BOYD, [L.S.]
Clerk.

(Sgd.) WM. KELLY,
Reeve.

SCHEDULE F.

By-law No. 481 of the Municipal Corporation of the Township of Bayham, to transfer the Harbor and Harbor Property at Port Burwell, now owned by the said Corporation, to The Tilsonburg, Lake Erie and Pacific Railway Company.

Whereas, the harbor and harbor property at Port Burwell, on Lake Erie has become the property of the corporation of the township of Bayham, and the said corporation is unable to make the repairs now required by the said harbor, and to maintain it in proper condition, to make it safe for vessels, and unless proper repairs are made at an early day the said harbor will become totally unfit for use;

And whereas, The Tilsonburg, Lake Erie and Pacific Railway Company propose to construct a line of railway from the town of Tilsonburg to the said harbor at Port Burwell, and desire to have the said harbor put in proper repair, so as to fit it for general lake traffic;

And whereas, the corporation of the township of Bayham is anxious to secure the construction of the said railway and the improvement of the said harbor;

Be it therefore enacted by the council of the corporation of the township of Bayham:—

1st. That it shall be lawful for the said council to transfer to the said The Tilsonburg, Lake Erie and Pacific Railway Company all the rights, title and interest the said corporation of the township of Bayham now have in the harbor and harbor property at Port Burwell, upon the conditions hereinafter set forth:

2nd. The reeve and clerk of the said corporation of the township of Bayham are hereby authorized and instructed to execute a deed of the said harbor and harbor property at Port Burwell in favor of the said The Tilsonburg, Lake Erie and Pacific Railway Company, reserving the right to the said corporation of the township of Bayham of full control of all gravel that now is or may be at any time and at all times on the beach on the said Port Burwell harbor lands, together with a right of way through said Port Burwell harbor lands at all times to remove said gravel for township or other uses.

(*a*) Previous to the execution of the said deed by the reeve and clerk and the transfer of the said harbor and harbor property to the said The Tilsonburg, Lake Erie and Pacific Railway Company, they, the said railway company, shall construct their railway within the time limited by resolution of the said council of the township of Bayham, and shall cause the said harbor to be repaired, so as to make it safe for the use of vessels drawing at least twelve feet of water, within five years from and after the passing of this by-law.

(*b*) The reeve and clerk of the said township of Bayham are hereby authorized to execute bonds on behalf of the said corporation of the township of Bayham with the said The

Tilsonburg, Lake Erie and Pacific Railway Company, in compliance with the conditions set forth in this by-law.

3rd. That should the said harbor and harbor property at Port Burwell be transferred as herein provided for to the said The Tilsonburg, Lake Erie and Pacific Railway Company, then the said harbor and harbor property are hereby exempted from all taxation for a period of ten years from and after the passing of this by-law.

Passed in open council this 6th day of March, A.D. 1883.

(Sgd.) W. M. FORD,
Reeve. [L.S].

(Sgd.) J. G. PAULING,
Municipal Clerk.

5—28

No. 28.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm certain Municipal By-laws respecting the Tilsonburg, Lake Erie and Pacific Railway Company and the Port Burwell Harbor.

First Reading, 12th March, 1895.

(Reprinted as amended by Private Bills Committee.)

Mr. McKay,
(Oxford.)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 29.] **BILL.** [1895.

An Act respecting the Municipality of Neebing.

Preamble.

WHEREAS the corporation of the municipality of Neebing, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Neebing was incorporated by an Act passed in the 44th year of Her Majesty's reign, chapter 43, being thereby detached from the municipality of Shuniah, and that the corporation of the town of Fort William, in the said district of Thunder Bay, was incorporated by an Act passed in the 55th year of Her Majesty's reign, chapter 70, and thereby detached from the municipality of Neebing, and that by the said Act provision was made for the arrangement, apportionment and settlement of debts, assets and liabilities between the corporation of the town of Fort William and the municipality of Neebing; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Neebing as between the corporation of the Town of Fort William and the municipality of Neebing was concluded, and which settlement is particularly set forth in Schedules A, B and C of the Act passed in the 56th year of Her Majesty's reign, chapter 63, and which settlement as set out therein in full was by said Act, in all respects, confirmed and made legal and valid for every purpose, object and interest; and whereas, pursuant to the said settlement, the only debenture debt of the corporation of the municipality of Neebing which has not been assumed by the corporation of the town of Fort William is for debentures known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," amounting to the sum of $10,500, which will mature on the first day of July, A.D. 1895; and whereas the said corporation, by their petition, have prayed that the said secured debt of the said municipality of Neebing as above recited, may be consolidated, and that the said corporation may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall be lawful for the corporation of the municipality of Neebing from time to time to pass a by-law or by-laws

providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums, and not exceeding in the whole $10,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or in the currency of Canada, as the corporation may deem expedient.

Power to borrow on or sell debentures.

2. The corporation of the said municipality of Neebing may, for the purposes in section 4 thereof mentioned, raise money by way of loan on the said debentures, in this Province or in Great Britain or elsewhere, and sell and dispose of such debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct; coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months January and July in each and every year during the currency of said debentures at the price mentioned therein and in the coupon attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum.

Application of debentures.

4. The said debentures and all moneys raised therefrom shall be applied as follows, in the repayment of outstanding debentures of the municipality of Shuniah and which are payable by the corporation of the municipality of Neebing to the amount of $10,500, and which are better known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," and which mature on the first day of July, A.D. 1895.

Outstanding debentures may be called in.

5. The treasurer of the said municipality shall, upon receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Special rate for sinking fund.

6. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund for that purpose,

and thereafter it shall not be necessary for the council to enforce the collection of the sinking funds or amounts required to be levied for principal money to pay the said now outstanding debentures.

Investment of sinking fund.

7. The said corporation of the municipality of Neebing shall have power at any time to invest any money now or at any time standing at the credit of the sinking fund, in the redemption of the said outstanding debentures of the said corporation or in the redemption of the debentures issued under the authority of the preceding sections of this Act, or in Government securities, municipal debentures or in first mortgages on real estate held and used for farming purposes and being the first lien on such real estate, but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

Special rate to be entered separately on the roll.

8. The special rate for payment of the interest and sinking fund for payment of the debentures to be issued under the authority of the preceding sections of this Act, shall in each and every year during the continuance of said debentures be inserted in a separate and distinct column on the collector's roll of the said corporation and shall not be included with any other rate or rates.

Form of debentures and by-laws.

9. The debentures issued under the preceding sections of the Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issue of the debentures authorized by this Act may be in the form of Schedule B to this Act.

Treasurer to keep books of account.

10. It shall be the duty of the treasurer, from time to time, of the said corporation to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount and also the investments which shall from time to time be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable

hours be open to the inspection of any ratepayer of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of electors not required.

11. It shall not be necessary to obtain the consent of the electors of the said municipality of Neebing to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or amending Acts.

55 V. c. 42

Indebtedness not discharged.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the municipality of Neebing from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent provisions in Municipal Acts not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Costs of pending proceedings.

14. Nothing in this Act contained shall change or affect the question of costs of any action or proceeding now pending.

Short title.

15. This Act may be cited as *The Neebing Debenture Act, 1895*.

SCHEDULE A.

(Section 9.)

CONSOLIDATED DEBT DEBENTURE.

No. $

Province of Ontario, Municipality of Neebing.

Under and by virtue of *The Neebing Debenture Act, 1895*, and by virtue of by-law No. of the corporation of the municipality of Neebing passed under the provisions contained in the said Act, the corporation of the municipality of Neebing promise to pay to the bearer at in in the sum of on day of one thousand hundred and and the half yearly coupons for interest hereto attached, as the same shall severally become due.

Dated at Fort William, in the district of Thunder Bay, this day of A.D. 189 .

Reeve.

(Corporate seal.)

Treasurer.

SCHEDULE B.

(Section 9.)

By-law to authorize the issue of debentures under the authority of *The Neebing Debenture Act, 1895*, and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding in the whole, the sum of as the corporation of the municipality of Neebing may direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of with interest thereon at the rate of per cent. per annum payable half-yearly according to the coupons to the said debentures attached; and whereas the said Act requires for payment of the said debentures to be issued thereunder, that the council shall impose a special rate which shall be sufficient to form a sinking fund sufficient for the payment at maturity of the principal of such debentures over and above all interest to be paid on said debentures, and it will require

the sum of to be raised annually for the said interest and sinking fund; and whereas the amount of the whole rateable property of the municipality of Neebing, according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and was

therefore the council of the municipality of Neebing enacts as follows:

1. Debentures under the said Act and for the purposes therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest, at the rate of per cent. per annum, payable half yearly on the first days of and in each year.

3. For the purpose of forming a sinking fund for the payment of said debentures and the interest at the rate aforesaid to become due thereon, the sum of shall over and above and in addition to all other sums or rates be raised, levied and collected in each year upon all the rateable property in the municipality of Neebing during the continuance of the debentures or any of them.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

No. 29.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Municipality of Neebing.

First Reading, 1895.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29.] **BILL.** [1895.

An Act respecting the Municipality of Neebing.

Preamble.

WHEREAS the corporation of the municipality of Neebing, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Neebing was incorporated by an Act passed in the 44th year of Her Majesty's reign, chapter 43, being thereby detached from the municipality of Shuniah, and that the corporation of the town of Fort William, in the said district of Thunder Bay, was incorporated by an Act passed in the 55th year of Her Majesty's reign, chapter 70, and thereby detached from the municipality of Neebing, and that by the said Act provision was made for the arrangement, apportionment and settlement of debts, assets and liabilities between the corporation of the town of Fort William and the municipality of Neebing; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Neebing as between the corporation of the Town of Fort William and the municipality of Neebing was concluded, and which settlement is particularly set forth in Schedules A, B and C of the Act passed in the 56th year of Her Majesty's reign, chapter 63, and which settlement as set out therein in full was by said Act, in all respects, confirmed and made legal and valid for every purpose, object and *intent*; and whereas, pursuant to the said settlement, the only debenture debt of the corporation of the municipality of Neebing which has not been assumed by the corporation of the town of Fort William is for debentures known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," amounting to the sum of $10,500, which will mature on the first day of July, A.D. 1895; and whereas it has been made to appear that any moneys raised on account of sinking fund in respect of the said debenture debt have been used and expended for roads and bridges in the said municipality; and whereas the said corporation, by their petition, have prayed that the said secured debt of the said municipality of Neebing as above recited, may be consolidated, and that the said corporation may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall be lawful for the corporation of the municipality of Neebing from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums, and not exceeding in the whole $10,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or in the currency of Canada, as the corporation may deem expedient.

Power to borrow on or sell debentures.

2. The corporation of the said municipality of Neebing may, for the purposes in section 4 thereof mentioned, raise money by way of loan on the said debentures, in this Province or in Great Britain or elsewhere, and sell and dispose of such debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than *twenty* years from the issue thereof, as the said corporation may direct; coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months January and July in each and every year during the currency of said debentures at the price mentioned therein and in the coupon attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum.

Application of debentures.

4. The said debentures and all moneys raised therefrom shall be applied as follows, in the repayment of outstanding debentures of the municipality of Shuniah and which are payable by the corporation of the municipality of Neebing to the amount of $10,500, and which are better known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," and which mature on the first day of July, A.D. 1895, and to no other purpose whatever.

Special rate.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate."

Form of debentures and by-laws.

6. The debentures issued under the preceding sections of the Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issue of the debentures authorized by this Act may be in the form of Schedule B to this Act.

Treasurer to keep books of account.

7. It shall be the duty of the treasurer, from time to time, of the said corporation to keep, and it shall be the duty of each

of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of electors not required.

8. It shall not be necessary to obtain the consent of the electors of the said municipality of Neebing to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or amending Acts.

55 V. c. 42.

Indebtedness not discharged.

9. Nothing in this Act contained shall be held or taken to discharge the corporation of the municipality of Neebing from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent provisions in Municipal Acts not to apply.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Short title.

11. This Act may be cited as *The Neebing Debenture Act, 1895.*

SCHEDULE A.

(*Section 9.*)

CONSOLIDATED DEBT DEBENTURE.

No. $

Province of Ontario, Municipality of Neebing.

Under and by virtue of *The Neebing Debenture Act, 1895*, and by virtue of by-law No. of the corporation of the municipality of Neebing passed under the provisions contained in the said Act, the corporation of the municipality of Neebing promise to pay to the bearer at in in the sum of on day of one thousand hundred and and the half yearly coupons for interest hereto attached, as the same shall severally become due.

Dated at Fort William, in the district of Thunder Bay, this day of A.D. 189 .

Reeve.

(Corporate seal.)

Treasurer.

SCHEDULE B.

(*Section 9.*)

By-law to authorize the issue of debentures under the authority of *The Neebing Debenture Act, 1895*, and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding in the whole, the sum of as the corporation of the municipality of Neebing may direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of with interest thereon at the rate of per cent. per annum payable half-yearly according to the coupons to the said debentures attached; and whereas the said Act requires for payment of the said debentures to be issued thereunder, that the council shall impose a special rate which shall be sufficient to form a sinking fund sufficient for the payment at maturity of the principal of such debentures over and above all interest to be paid on said debentures, and it will require

the sum of to be raised annually for the said interest and sinking fund; and whereas the amount of the whole rateable property of the municipality of Neebing, according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and was

therefore the council of the municipality of Neebing enacts as follows:

1. Debentures under the said Act and for the purposes therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest, at the rate of per cent. per annum, payable half yearly on the first days of and in each year.

3. For the purpose of forming a sinking fund for the payment of said debentures and the interest at the rate aforesaid to become due thereon, the sum of shall over and above and in addition to all other sums or rates be raised, levied and collected in each year upon all the rateable property in the municipality of Neebing during the continuance of the debentures or any of them.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Municipality of Neebing.

First Reading, 12th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29.] **BILL.** [1895.

An Act respecting the Municipality of Neebing.

Preamble.

WHEREAS the corporation of the municipality of Neebing, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Neebing was incorporated by an Act passed in the 44th year of Her Majesty's reign, chapter 43, being thereby detached from the municipality of Shuniah, and that the corporation of the town of Fort William, in the said district of Thunder Bay, was incorporated by an Act passed in the 55th year of Her Majesty's reign, chapter 70, and thereby detached from the municipality of Neebing, and that by the said Act provision was made for the arrangement, apportionment and settlement of debts, assets and liabilities between the corporation of the town of Fort William and the municipality of Neebing; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Neebing as between the corporation of the Town of Fort William and the municipality of Neebing was concluded, and which settlement is particularly set forth in Schedules A, B and C of the Act passed in the 56th year of Her Majesty's reign, chapter 63, and which settlement as set out therein in full was by said Act, in all respects, confirmed and made legal and valid for every purpose, object and *intent*; and whereas, pursuant to the said settlement, the only debenture debt of the corporation of the municipality of Neebing which has not been assumed by the corporation of the town of Fort William is for debentures known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," amounting to the sum of $10,500, which will mature on the first day of July, A.D. 1895; and whereas it has been made to appear that any moneys raised on account of sinking fund in respect of the said debenture debt have been used and expended for roads and bridges in the said municipality; and whereas the said corporation, by their petition, have prayed that the said secured debt of the said municipality of Neebing as above recited, may be consolidated, and that the said corporation may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall be lawful for the corporation of the municipality of Neebing from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums, and not exceeding in the whole $10,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or in the currency of Canada, as the corporation may deem expedient.

Power to borrow on or sell debentures.

2. The corporation of the said municipality of Neebing may, for the purposes in section 4 thereof mentioned, raise money by way of loan on the said debentures, in this Province or in Great Britain or elsewhere, and sell and dispose of such debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than *twenty* years from the issue thereof, as the said corporation may direct; coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months January and July in each and every year during the currency of said debentures at the price mentioned therein and in the coupon attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum.

Application of debentures.

4. The said debentures and all moneys raised therefrom shall be applied as follows, in the repayment of outstanding debentures of the municipality of Shuniah and which are payable by the corporation of the municipality of Neebing to the amount of $10,500, and which are better known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," and which mature on the first day of July, A.D. 1895, ☞and to no other purpose whatever.☜

Special rate.

☞**5.** The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate."☜

Form of debentures and by-laws.

6. The debentures issued under the preceding sections of the Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issue of the debentures authorized by this Act may be in the form of Schedule B to this Act.

Treasurer to keep books of account.

7. It shall be the duty of the treasurer, from time to time, of the said corporation to keep, and it shall be the duty of each

of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of electors not required.

8. It shall not be necessary to obtain the consent of the electors of the said municipality of Neebing to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or amending Acts. 55 V. c. 42.

Indebtedness not discharged.

9. Nothing in this Act contained shall be held or taken to discharge the corporation of the municipality of Neebing from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent provisions in Municipal Acts not to apply.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Short title.

11. This Act may be cited as *The Neebing Debenture Act, 1895.*

SCHEDULE A.

(*Section 9.*)

CONSOLIDATED DEBT DEBENTURE.

No. $

Province of Ontario, Municipality of Neebing.

Under and by virtue of *The Neebing Debenture Act, 1895*, and by virtue of by-law No. of the corporation of the municipality of Neebing passed under the provisions contained in the said Act, the corporation of the municipality of Neebing promise to pay to the bearer at in in the sum of on day of one thousand hundred and and the half yearly coupons for interest hereto attached, as the same shall severally become due.

Dated at Fort William, in the district of Thunder Bay, this day of A.D. 189 .

Reeve.

(Corporate seal.)

Treasurer.

SCHEDULE B.

(*Section 6.*)

☞A by-law to authorize the issue of debentures under *The Neebing Debenture Act.* Passed 189 .

Be it enacted by the municipal council of the corporation of Neebing as follows:

1. The mayor and treasurer are hereby authorized and directed to issue debentures of the said corporation to the amount of $ under the authority of the said Act and for the purposes therein mentioned, which said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, and shall be payable within years from the day of at with interest at the rate aforesaid as follows, that is to say:—

2. For the purpose of paying the sum of $, and to cover interest on the said amount as aforesaid, there shall be levied by a general rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year during the currency of the said debentures, or any of them, the sums following, that is to say:—☜

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Municipality of Neebing.

First Reading, 12th March, 1895.
Second Reading, 29th March, 1895.

(Reprinted as amended in Committee of the Whole.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 30.] BILL. [1895.

An Act to enable Herbert Stanley Reynolds to practise Dentistry.

Preamble.

WHEREAS Herbert Stanley Reynolds of the town of Picton in the county of Prince Edward and Province of Ontario, has by his petition set forth that from the year 1867 to the year 1890 he was engaged almost constantly as a dentist's assistant in the said town of Picton under the personal supervision of a member of the Royal College of Dental Surgeons of Ontario; that he is a Doctor of Dental Surgery of the University of Denver and has practised dentistry for two years in the State of Colorado, and is a Master of Dental Surgery in the State of New York, and has practised dentistry about two years in New York, and has prayed that an Act may be passed to authorize him to practise dentistry in the Province of Ontario; and whereas the circumstances of the case appear to be exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

H. S. Reynolds authorized to practise dentistry.

1. The said Herbert Stanley Reynolds is authorized to practise as a dentist in the Province of Ontario, any law, statute or usage to the contrary notwithstanding.

No. 30.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to enable Herbert Stanley Reynolds to practise Dentistry.

First Reading,

(Private Bill.)

Mr. CAVEN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 30.] **BILL.** [1895.

An Act to enable Herbert Stanley Reynolds to practise Dentistry.

Preamble.

WHEREAS Herbert Stanley Reynolds of the town of Picton in the county of Prince Edward and Province of Ontario, has by his petition set forth that from the year 1867 to the year 1890 he was engaged almost constantly as a dentist's assistant in the said town of Picton and in other places since the year 1890, and has prayed that an Act may be passed to authorize him to practise dentistry in the Province of Ontario; and whereas, subject to the provisions hereinafter set forth, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

H. S. Reynolds authorized to practise dentistry.

1. It shall be lawful for the said Herbert Stanley Reynolds to practise dentistry in the county of Prince Edward, in the Province of Ontario, without any certificate of qualification, until the first day of April, 1897; and the Royal College of Dental Surgeons of Ontario shall admit the said Herbert Stanley Reynolds to practise as a licentiate of dental surgery upon passing the prescribed final examination, except on the subject of chemistry, to be held in the month of March, 1897, without attendance upon lectures, and upon paying the requisite fees in that behalf, any law, statute or usage to the contrary notwithstanding.

No. 30.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to enable Herbert Stanley Reynolds to practise Dentistry.

First Reading, March 7th, 1895.

(Reprinted as amended by Private Bills Committee.)

Mr. CAVEN

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 31.] **BILL.** [1895.

An Act respecting The Irondale, Bancroft and Ottawa Railway Company.

Preamble.

WHEREAS The Irondale, Bancroft and Ottawa Railway Company have by their petition prayed that an Act may be passed extending the time for completion of the company's railway and authorizing the company to extend their line from a point in the county of Hastings to connect with the bridge of the Brockville and St. Lawrence Bridge Company at or near Brockville, and to extend and amend the company's powers respecting connections and agreements with other lines, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for construction of line extended.

1. The time for the building and completion of the said company's lines of railway and branches or extensions heretofore authorized is hereby extended to the 1st day of January, 1905.

Location of extended line.

2. The said company is hereby authorized to lay out, construct, finish and operate a line of railway from some point at or near Bancroft, in the county of Hastings, to the point of connection with the Brockville and St. Lawrence Bridge Company's line at or near the town of Brockville, passing by the route deemed most advantageous through the county of Addington and the county of Frontenac at or near Plevna, and the county of Lanark at or near Perth, and the county of Leeds to the said point at or near Brockville; or a line of railway from some point at or near Bancroft aforesaid on the company's present line of railway to a point on the line of the Brockville, Westport and Sault Ste. Marie Railway at or near Westport, in the county of Leeds, passing by the route deemed most advantageous through the county of Addington and the county of Frontenac at or near Plevna.

Application of present powers of company to new work.

3. All the rights and powers of the company respecting their lines of railway heretofore authorized shall apply to the lines authorized by this Act.

Gauge.

4. The gauge of the said railway shall be four feet and eight and a half inches.

Plans and surveys of line in sections.

5. The company is hereby empowered to make and take surveys and levels of the land through which their lines of railway heretofore or hereby authorized are to pass, together with maps and plans thereof, and of their courses and directions and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also books of reference for the railway, and to deposit the same as required by *The Railway Act of Ontario* and amendments thereto with respect to plans and surveys by sections or portions of not less than ten miles in length each, and upon such deposit as aforesaid of the map or plan and book of reference of any section the clauses of *The Railway Act of Ontario* and amendments thereto applicable to the company and the rights and powers of the company shall apply and extend to each section as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole line of railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the line of railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act of Ontario* and amendments thereto with respect to plans and surveys.

Rev. Stat., c. 170.

Rev. Stat., c. 170.

Application of certain sections of Rev. Stat., c. 170 and 53 V. c. 45.

Bonding powers.

6. Sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by the Act, chaptered 45 passed in the 53rd year of Her Majesty's reign are hereby declared to have been and to be applicable to the said company, and the company has had and shall have power to issue bonds, debentures or other securities under the said sub-sections to the extent of, but not exceeding twenty thousand dollars per mile for the length of railway constructed or in course of or under contract for construction at the time of the issue thereof.

Telephone and telegraph lines.

7. The company may construct a telephone line and a telegraph line in connection with their lines of railway, and for the purpose of constructing, working and protecting such telephone and telegraph lines the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, and any amendments thereto, are hereby conferred upon the company.

Snow fences.

8. The company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty or into or upon any lands of any corporation or persons whatsoever lying along the routes or lines

of their railways and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

Proviso.

Agreements with Brockville, Westport and Sault Ste. Marie R. W. Co.

9. The company and the Brockville, Westport and Sault Ste. Marie Railway Company are hereby empowered to contract and agree the one with the other for the amalgamation of the said two companies on such terms and conditions as may be agreed upon, provided that such terms and conditions are approved of by a vote of two-thirds in value of the shareholders of the respective companies present in person or represented by proxy at special general meetings of the respective companies to be called for the purpose of considering such terms and conditions.

Proviso.

Commencement and completion of new work.

10. The lines of railway authorized by this Act shall be commenced within five years and completed within ten years after the passing of this Act.

No. 31.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting The Irondale, Bancroft and Ottawa Railway Company.

First Reading, 1894.

(Private Bill.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 31.] BILL. [1895.

An Act respecting The Irondale, Bancroft and Ottawa Railway Company.

Preamble.

WHEREAS The Irondale, Bancroft and Ottawa Railway Company have by their petition prayed that an Act may be passed extending the time for completion of the company's railway and authorizing the company to extend their line from a point in the county of Hastings to connect with the bridge of the Brockville and St. Lawrence Bridge Company at or near Brockville, and to extend and amend the company's powers respecting connections and agreements with other lines, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for construction of line extended.

1. The time for the building and completion of the said company's lines of railway and branches or extensions heretofore authorized is hereby extended to the 1st day of January, *1901*.

Location of extended line.

2. The said company is hereby authorized to lay out, construct, finish and operate a line of railway *either* from some point at or near Bancroft, in the county of Hastings, to the point of connection with the Brockville and St. Lawrence Bridge Company's line at or near the town of Brockville, passing by the route deemed most advantageous through the county of Addington and the county of Frontenac at or near Plevna, and the county of Lanark at or near Perth, and the county of Leeds to the said point at or near Brockville; or from some point at or near Bancroft aforesaid on the company's present line of railway to a point on the line of the Brockville, Westport and Sault Ste. Marie Railway at or near Westport, in the county of Leeds, passing by the route deemed most advantageous through the county of Addington and the county of Frontenac at or near Plevna.

Powers of municipalities as to granting aid suspended until route selected.

☞ **3**. Until the company has made its election as to the location of the said line of railway under the powers conferred by section 2 of this Act, it shall not be lawful for the company to

enter into negotiations with any municipality or portion of a municipality along either of the proposed routes for the granting of aid in the construction of either of the said lines of railway, and un il such election has been made the powers conferred upon municipalities or portions of municipalities by the Acts relating to the company as to the granting of bonuses shall not be exercised by such municipalities.

Application of present powers of company to new work.

4. All the rights and powers of the company respecting their lines of railway heretofore authorized shall apply to the lines authorized by this Act.

Debentures in aid of company to confirm to law.

5. Subject to the provisions of section 1 of the Act passed in the 51st year of Her Majesty's reign, chapter 68, intituled *An Act respecting The Irondale, Bancroft and Ottawa Railway Company*, as to the time for payment of debentures, the issue and making of any debenture which any municipality may under any Act or provision of law in that behalf make or issue by way of or as a grant of aid to the company shall conform and be subject to all Acts and provisions of law at present in force in that behalf.

Gauge.

6. The gauge of the said railway shall be four feet eight and *one-half* inches.

Power to construct line in sections.

7. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which their lines of railway heretofore or hereby authorized are to pass, together with maps or plans thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length ; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applicable to the company shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c. 170.

Application of certain clauses of Rev. Stat. c. 170.

8. Sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by the Act, chaptered 45, passed in the 53rd year of Her Majesty's reign, are hereby declared to have been and to be applicable to the said company, and the company has had and shall have power to issue bonds, subject and according to, and in conformity with the provisions of the said sub-sections, for the purpose of raising money for prosecuting the said undertaking under the said sub-sections to the extent of, but not exceeding twenty thousand dollars per mile for the length of railway constructed or in course of or under contract for construction at the time of the issue thereof.

Telephone and telegraph lines.

9. The company may construct a telephone line and *an electric* telegraph line in connection with their lines of railway, and for the purpose of constructing, working and protecting such telephone and telegraph lines the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, and any amendments thereto, are hereby conferred upon the company ; provided that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Snow fences.

10. The company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty or into or upon any lands of any corporation or persons whatsoever lying along the routes or lines of their railways and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered ; provided always that any such snow fences so erected shall be removed on or before the 1st day of April *next* following.

Proviso.

Agreements with Brockville, Westport and Sault Ste. Marie R. W. Co.

11. The company is authorized and empowered to make necessary arrangements and to contract and agree with the Brockville, Westport and Sault Ste. Marie Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation of the two companies, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for the purpose of considering the same ; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Proviso.

Guaranteeing bonds of blast furnace companies.

12. The company may, under the authority of a resolution of nine-tenths of its shareholders present or represented at a general annual meeting, or at a special general meeting called for the purpose, and on such terms as may be agreed upon,

guarantee payment of the principal and interest, or any part thereof, of bonds, debentures or other securities issued or to be issued by any company establishing a blast furnace on or near the company's line of railway or any branch thereof and may secure such payment by the pledge or mortgage of the bonds or debentures of the company issued or to be issued under the provisions of its charter and of *The Railway Act of Ontario* and amendments thereto and may take from the blast furnace company or otherwise securities upon real estate or otherwise in respect of such guarantee; and under the like authority the company may subscribe and pay for shares in the capital stock of any such blast furnace company.

Rev. Stat. c. 170.

Commencement and completion of new work.

13. The lines of railway authorized by this Act shall be commenced within *three* years and completed within *five* years after the passing of this Act.

No. 31.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting The Irondale, Bancroft and Ottawa Railway Company.

First Reading, 15th March, 1895.

(*Reprinted as amended by the Railway Committee.*)

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 32.] [1895.

BILL.

An Act to consolidate the Debt of the Village of Wallaceburg and for other purposes.

Preamble.

WHEREAS the corporation of the village of Wallaceburg have by their petition represented that they have incurred debts and liabilities in the erection of school buildings and granting of a railway bonus and other public improvements, to the extent of $68,000, for which amount debentures of the said village have from time to time been issued, under the authority of various by-laws; and whereas there is still unpaid in respect of the said debentures the sum of $32,000; and whereas the payment of the said debentures as they mature has become unduly oppressive to the ratepayers of the said village; and whereas, in addition to the said debenture debt, the said village is further indebted in a floating debt to the extent of $16,000, largely incurred in constructing sewers and making other substantial improvements in the streets of the said village; and whereas the said corporation by their petition have prayed that their said debts and liabilities secured by the said debentures, and also those unsecured as aforesaid, may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas the said village of Wallaceburg has represented that disastrous loss to the village has resulted from the destruction by fire of one of the principal establishments carried on there and by the removal of mills formerly engaged extensively in the manufacture of cooperage material, and that the remaining manufacturing establishments of cooperage material will soon be stopped owing to the approaching exhaustion of the raw material in the counties of Kent and Lambton from which said mills have always heretofore been supplied, that many of the inhabitants have in consequence been thrown out of employment and many more soon will be thrown out of employment, and have prayed that to repair the loss already occasioned and avert further impending loss special powers may be granted them to enable them to secure the establishment within the said village of industrial enterprises; and whereas the case of the said village is by reason of the said disaster and impending danger of loss quite exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

Debts consolidated at $48,000.

1. The said debenture debt of the corporation of the village of Wallaceburg, in respect to which relief is sought as aforesaid, to wit: the sum of $32,000 and the said floating debt, amounting to $16,000, are hereby consolidated at the sum of $48,000, and it shall be lawful for the said corporation of the village of Wallaceburg to raise, by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or any body or bodies corporate, a sufficient sum or sums to retire the said debentures, amounting to $32,000, as they respectively become due and to pay off the said floating debt of $16,000, not exceeding in the whole the sum of $48,000 exclusive of interest thereon.

Power to issue debentures for $48,000.

2. It shall be lawful for the corporation of the village of Wallaceburg from time to time to pass by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being of the said village, in such sums, not exceeding in the whole the sum of $48,000, as the said corporation may from time to time direct; and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the said corporation may deem expedient.

Raising money on debentures.

3. The said corporation may, for the purposes in section 5 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty-five years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of proceeds of debentures.

5. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the outstanding debentures of the village of Wallaceburg and in the payment of the said floating debt and in no other manner and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures."

Special rate.

6. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them.

Term of debentures.

7. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty-five years from the date thereof, and so that the aggregate amount for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Calling in outstanding debentures.

8. The treasurer of the said village shall, upon receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said village of Wallaceburg to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1892.*"

55 V. c. 42.

Treasurer to keep proper books of account.

11. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of the members, from time to time, of the municipal council of the said village to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable

hours be open to the inspection of any ratepayer of the said village and of any holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or of any such debentures and such inspection shall be allowed free of charge.

Existing indebtedness not discharged.

12. Nothing in this Act shall be held or taken to discharge the corporation of the village of Wallaceburg from any indebtedness or liability which may not be included in the said debt of the village of Wallaceburg hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Inconsistent provisions not to apply.

14. Any provisions in the Acts respecting municipal institutions in this Province which are or may be inconsistent with the preceding provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or see to the application of the purchase money or of money loaned thereon or the necessity of passing such by-law or issue of debentures, and any of the said debentures which shall purport to have been issued under the authority of this Act, shall be conclusively presumed in favour of the purchaser or holder thereof to have been so issued.

Granting aid for establishment of industrial enterprises.

15.—(1) Subject as hereinafter provided it shall be lawful for the village of Wallaceburg to grant aid by way of loan or bonus to secure the establishment of industrial enterprises within the said village whether the construction of any such enterprise has been commenced or not, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $20,000, to issue debentures, and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

(2) This section shall apply to enable said municipality to grant assistance to "The Sydenham Glass Company" of Wallaceburg whose buildings and plant are now in course of construction.

16. No such aid by way of loan, bonus or subscribed stock or any of them, shall be given until after the passing of a by-law or by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors, as provided in *The Consolidated Municipal Act 1892*, with respect to by-laws for the creation of debts, and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

By-laws for granting aid to industrial enterprises.

55 V. c. 42.

55 V. c. 42.

17.—(1) Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishment or for lending money to such company, person or establishment, shall be necessary in order to the carrying of the by-law.

Assent of two-thirds of ratepayers required.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without any such bonus.

Protection to established industries.

(3) No bonus shall be granted by the said municipality to secure the removal thereto of an industry already established elsewhere in the Province.

Removal of industries from other municipalities.

(4) No bonus shall be granted in aid of any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Limit of municipal taxation.

18. In addition to the certificate required by section 318 of *The Consolidated Municipal Act 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' lists, such majority appears to be two thirds of all the voters who are entitled to vote on the by-law.

Certificate of clerk as to majority.

19. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Scrutiny of votes.

20. The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny.

Proceeding for contesting result of submission of by-law to electors.

21. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive of *The Consolidated Municipal Act 1892*, and their subsections shall be taken and considered as part of this Act.

Application of certain sections of 55 V. c. 42.

Application of certain provisions of 55 V. c. 42.

22. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures and the time and manner of payment of the same shall apply and be read as part of this Act.

Short title.

23. This Act may be cited as *The Wallaceburg Debenture Act 1895*.

SCHEDULE A.

(*Section 13.*)

CONSOLIDATED DEBT DEBENTURE, VILLAGE OF WAL LACEBURG PROVINCE OF ONTARIO.

No. $

Province of Ontario, Village of Wallaceburg.

Under and by virtue of *The Wallaceburg Debenture Act 1895*, and by virtue of by-law No. of the corporation of the village of Wallaceburg, passed under the provisions contained in the said Act the corporation of the village of Wallaceburg promise to pay to the bearer at in the sum of dollars on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Wallaceburg in the county of Kent this day of A.D. 18

Reeve.

[L.S.]

Treasurer.

SCHEDULE B.

(*Section 13.*)

By-law No. to authorize the issue of debentures under the authority of *The Wallaceburg Debenture Act 1895*.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of $48,000 in the whole as the corporation of the village of Wallaceburg may in pursuance of and in conformity with the provisions of the said Act direct;

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of

(*or as the case may be*) with interest thereon at the rate of per cent. per annum payable according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said village of Wallaceburg, according to the last revised assessment roll of the said village being for the year one thousand hundred and was $

Therefore the municipal corporation of the village of Wallaceburg enacts as follows:

1. Debentures under the said Act and for the purpose therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest at the rate of per cent per annum payable on the day of in each year

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

No. 32.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Debt of the Village of Wallaceburg and for other purposes.

First Reading 1895.

(Private Bill.)

Mr. PARDO.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 32.] **BILL.** [1895.

An Act to consolidate the Debt of the Village of Wallaceburg and for other purposes.

Preamble. WHEREAS the corporation of the village of Wallaceburg have by their petition represented that they have incurred debts and liabilities in the erection of school buildings and granting of a railway bonus and other public improvements, to the extent of $68,000, for which amount debentures of the said village have from time to time been issued, under the authority of various by-laws; and whereas there is still unpaid in respect of the said debentures the sum of $32,000; and whereas the payment of the said debentures as they mature has become unduly oppressive to the ratepayers of the said village; and whereas, in addition to the said debenture debt, the said village is further indebted in a floating debt which for some years past has accumulated to the extent of $16,000, largely incurred in constructing sewers and making other substantial improvements in the streets of the said village; and whereas the said corporation by their petition have prayed that their said debts and liabilities secured by the said debentures, and also those unsecured as aforesaid, may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas the said village of Wallaceburg has represented that disastrous loss to the village has resulted from the destruction by fire of one of the principal establishments carried on there and by the removal of mills formerly engaged extensively in the manufacture of cooperage material, and that the remaining manufacturing establishments of cooperage material will soon be stopped owing to the approaching exhaustion of the raw material in the counties of Kent and Lambton from which said mills have always heretofore been supplied, that many of the inhabitants have in consequence been thrown out of employment and many more soon will be thrown out of employment, and have prayed that to repair the loss already occasioned and avert further impending loss special powers may be granted them to enable them to secure the establishment within the said village of industrial enterprises; and whereas the case of the said village is by reason of the said disaster and impending danger of loss quite exceptional and whereas no opposition by or on behalf of any ratepayer has been given to the said petition and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

Debts consolidated at $48,000.

1. The said debenture debt of the corporation of the village of Wallaceburg, in respect to which relief is sought as aforesaid, to wit: the sum of $32,000 and the said floating debt, amounting to $16,000, are hereby consolidated at the sum of $48,000, and it shall be lawful for the said corporation of the village of Wallaceburg to raise, by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or any body or bodies corporate, a sufficient sum or sums to retire the said debentures, amounting to $32,000, as they respectively become due and to pay off the said floating debt of $16,000, not exceeding in the whole the sum of $48,000 exclusive of interest thereon.

Power to issue debentures for $48,000.

2. It shall be lawful for the corporation of the village of Wallaceburg from time to time to pass by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being of the said village, in such sums, not exceeding in the whole the sum of $48,000, as the said corporation may from time to time direct; and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the said corporation may deem expedient.

Raising money on debentures.

3. The said corporation may, for the purposes in section 5 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of proceeds of debentures.

5. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the outstanding debentures of the village of Wallaceburg and in the payment of the said floating debt and in no other manner and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures."

6. The said corporation *shall* levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them. Special rate.

7. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Term of debentures.

8. The treasurer of the said village shall, upon receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures. Calling in outstanding debentures.

9. Any by-law to be passed under the provisions *of the preceding sections* of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debts paid.

10. It shall not be necessary to obtain the assent of the electors of the said village of Wallaceburg to the passing of any by-law which shall be passed under the *foregoing* provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1892.*" Assent of electors to by-laws not required. 55 V. c. 42.

11. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of the members, from time to time, of the municipal council of the said village to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable Treasurer to keep proper books of account.

hours be open to the inspection of any ratepayer of the said village and of any holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or of any such debentures and such inspection shall be allowed free of charge.

Existing indebtedness not discharged.

12. Nothing in this Act shall be held or taken to discharge the corporation of the village of Wallaceburg from any indebtedness or liability which may not be included in the said debt of the village of Wallaceburg hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Inconsistent provisions not to apply.

14. Any provisions in the Acts respecting municipal institutions in this Province which are or may be inconsistent with the preceding provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or see to the application of the purchase money or of money loaned thereon or the necessity of passing such by-law or issue of debentures, and any of the said debentures which shall purport to have been issued under the authority of this Act, shall be conclusively presumed in favour of the purchaser or holder thereof to have been so issued.

Granting aid for establishment of industrial enterprises.

15.—(1) Subject as hereinafter provided it shall be lawful for the village of Wallaceburg to aid *the Sydenham Glass Company* within the said village whose buildings and plant are now in course of construction, by taking stock in the said company to an amount not exceeding *$15,000, and* to issue debentures, and do all other acts in connection therewith necessary for raising the money for payment of the stock so subscribed as if the power to grant bonuses was still vested in municipalities.

(2) This section shall apply to enable said municipality to grant assistance to "The Sydenham Glass Company" of Wallaceburg whose buildings and plant are now in course of construction.

16. No such aid by way of subscribed stock shall be given until after the passing of a by-law or by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors, as provided in *The Consolidated Municipal Act 1892*, with respect to by-laws for the creation of debts, and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply. By-laws for granting aid to industrial enterprises. 55 V. c. 42. 55 V. c. 42.

17 Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the *resident* ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishment or for lending money to such company, person or establishment, and constituting a majority of the whole of such ratepayers shall be necessary in order to the carrying of the by-law. Assent of two-thirds of ratepayers required.

18. In addition to the certificate required by section 318 of *The Consolidated Municipal Act 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' lists, such majority appears to be two thirds of all the *resident* voters who are entitled to vote on the by-law and he shall certify to the total number of voters residing in the municipality at the time the by-law was submitted for adoption. Certificate of clerk as to majority.

19. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes. Scrutiny of votes.

20. The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. Proceeding for contesting result of submission of by-law to electors.

21. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive of *The Consolidated Municipal Act 1892*, and their subsections shall be taken and considered as part of this Act. Application of certain sections of 55 V. c. 42.

22. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures and the time and manner of payment of the same shall apply and be read as part of this Act. Application of certain provisions of 55 V. c. 42.

23. This Act may be cited as *The Wallaceburg Debenture Act 1895*. Short title.

SCHEDULE A.

(Section 13.)

CONSOLIDATED DEBT DEBENTURE, VILLAGE OF WALLACEBURG, PROVINCE OF ONTARIO.

No. $

Province of Ontario, Village of Wallaceburg.

Under and by virtue of *The Wallaceburg Debenture Act 1895*, and by virtue of by-law No. of the corporation of the village of Wallaceburg, passed under the provisions contained in the said Act the corporation of the village of Wallaceburg promise to pay to the bearer at in the sum of dollars on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Wallaceburg in the county of Kent this day of A.D. 18

Reeve.

[L.S.]

Treasurer.

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Wallaceburg Debenture Act 1895*.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of $48,000 in the whole as the corporation of the village of Wallaceburg may in pursuance of and in conformity with the provisions of the said Act direct;

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of

(*or as the case may be*) with interest thereon at the rate of per cent. per annum payable according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said village of Wallaceburg, according to the last revised assessment roll of the said village being for the year one thousand hundred and was $

Therefore the municipal corporation of the village of Wallaceburg enacts as follows:

1. Debentures under the said Act and for the purpose therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest at the rate of per cent per annum payable on the day of in each year

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

No. 32.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Debt of the Village of Wallaceburg and for other purposes.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee*).

(Private Bill.)

Mr. PARDO.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 33.] **BILL.** [1895.

An Act respecting the Town of North Toronto.

Preamble.

WHEREAS The Metropolitan Street Railway Company was incorporated for the purpose of constructing and operating street railways, and has constructed and is now operating a railway in the city of Toronto, the township of York and the town of North Toronto; and whereas the municipal council of the corporation of the town of North Toronto are desirous of obtaining a cheaper and more efficient street car service into and from the city of Toronto; and whereas the said municipal council have by their petition prayed that an Act may be passed to enable them to issue debentures extending over a period of forty years to enable the said municipal corporation to purchase the charter, franchise, plant, or any part thereof, of The Metropolitan Street Railway Company, (or to construct, equip and operate a street railway,) or to assist the said The Metropolitan Street Railway Company or any other railway company, and also to enable the said municipal corporation to lease or sell the whole or any portion of the property or franchise purchased from The Metropolitan Street Railway Company (or any railway built by the said municipal corporation), and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to purchase rights and franchises of Metropolitan Street Railway Company.

1. The municipal corporation of the town of North Toronto are hereby authorized and empowered, if they deem it advisable so to do, to acquire from The Metropolitan Street Railway Company all or any part of the plant, rights, powers and privileges, franchises or charter, and of the real or personal property of the said The Metropolitan Street Railway Company, including all or any part of the rights, privileges and franchises which the said The Metropolitan Street Railway Company have under any and all agreements between the said street railway company and the corporation of the county of York and the city of Toronto, respectively.

Power to construct railway lines.

2.—(1) The municipal corporation of the town of North Toronto are hereby authorized and empowered, if they deem it advisable so to do, to construct, maintain, complete and

operate, and from time to time remove and change as required a double or single iron or steel railway, with necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets in the city of Toronto, the township of York and the town of North Toronto as the councils of the said municipalities respectively may by by-law authorize, and over and upon lands purchased or leased by the said municipal corporation of the town of North Toronto for that purpose, to take, transport and carry passengers upon the same by the force or power of animals or by such other motive power as the said municipal corporation of the town of North Toronto thinks proper, and as the said municipal councils of the city of Toronto, the county of York, the township of York and the town of North Toronto, respectively authorize, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, subject to the terms of an agreement to be entered into between the said municipal corporation of the town of North Toronto and the municipal corporations respectively of the city of Toronto, the county of York and the township of York.

Carrying freight.

(2) The said municipal corporation may also carry upon the railway to be so constructed, freight or merchandise of any kind through any or all of the said municipalities, if so authorized by a by-law of the municipalities through which the same is carried.

Application of provisions of Rev. Stat. c. 171.

3. All the powers, privileges, rights and authorities set forth in the clauses of *The Street Railway Act* and amendments thereto conferred upon street railway companies, are hereby conferred upon and may be exercised by the said municipal corporation of the town of North Toronto in any municipality where the said line of street railway is by this Act authorized to be constructed.

Production and use of electricity.

4. The said municipal corporation of the town of North Toronto may operate their said railway as an electric railway and may construct, maintain and operate all necessary buildings, works and plant for the production of electricity for motive power for the said railway and for lighting and heating the rolling stock connected therewith, and may sell or lease electricity so produced to any person or corporation and for such purpose shall have power to exercise all the powers, rights and privileges conferred upon joint stock companies incorporated under the provisions of chapter 165 of the Revised Statutes of Ontario, 1887, but the said municipal corporation shall not, excepting in so far as they are already empowered so to do, exercise any power under the last mentioned Act without the consent of the respective municipalities through which the line of the said railway may pass.

5. The said municipal corporation is hereby authorized to purchase, lease or acquire, by voluntary donation or otherwise and to hold, for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds, not exceeding one hundred acres in any municipality; and the said corporation are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless and until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said corporation of the town of North Toronto are situate, shall by by-law have declared its or their assent to the said municipal corporation of the town of North Toronto acquiring lands under and for the purpose mentioned in this section; provided that the total acreage of lands to be acquired by the said municipal corporation for park purposes, shall not exceed three hundred acres. Acquiring lands for parks or pleasure grounds.

6. The said municipal corporation of the town of North Toronto are hereby authorized to make and issue from time to time, bonds and debentures of the said corporation to the extent of $20,000 per mile for each and every mile of single track of the said railway, such bonds and debentures to be in sums of not less than $100 each, and on such terms of credit as the council of the said municipal corporation may think proper, which said bonds and debentures may be made the first preferential claim and charge upon the undertaking and real property of the said line of railway including its rolling stock and equipments now existing, or at any time hereafter acquired; and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and encumbrances *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided always that the assent of two-thirds in number of the members of the municipal council of the said town of North Toronto present at any meeting of the said council specially called for that purpose, shall be first had and obtained. Bonding powers.

7. The said municipal corporation may, if they deem it advisable, aid the said Metropolitan Street Railway Company or any other railway company which may hereafter construct, maintain, complete and operate a line of street railway into and from the city of Toronto to and through the said town of North Toronto, in such sum as may seem advisable, by granting money or debentures by way of bonus or gift or by way of loan to such company. Granting bonuses to street railway companies.

Power to dispose of franchise, etc., of Metropolitan Street Railway Company.

8. The said municipal corporation are hereby authorized to lease or sell to any person, corporation or company the whole or any portion of the plant, rights, powers and privileges, franchises or charter, and of the real or personal property so purchased as aforesaid from the said The Metropolitan Street Railway Company, or the said municipal corporation of the town of North Toronto, may lease or sell to any person, corporation or company the whole or any portion of the plant, rights, powers and privileges, franchises or charter, and of the real or personal property acquired by the said the town of North Toronto, in connection with the construction, maintenance, completion and operation of the street railway so to be constructed by the said municipal corporation.

Power to pass necessary by-laws and issue debentures.

55 V. c. 42.

9.—(1) The said municipal corporation of the town of North Toronto are hereby authorized and empowered after the assent of a majority of the ratepayers within such municipality who are entitled to vote thereon has been obtained in the manner provided by *The Consolidated Municipal Act 1892*, and amending Acts, to pass the necessary by-law or by-laws for the purchasing of the charter, franchise, plant, rights, powers and privileges and real and personal property or any part thereof of the said The Metropolitan Street Railway Company or for the construction, maintenance, completion and operation of a street railway by the said municipal corporation, or for assisting the said The Metropolitan Street Railway Company or any other railway company in such sum as may be deemed necessary for such purpose, and for raising the amount by the issue of debentures of the said town and for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the by-law, and for assessing and levying upon all the rateable real property lying within said municipality an annual special rate for the repayment of the said debentures at a period not to exceed forty years from the date thereof, with interest thereon payable half-yearly at a rate not to exceed six per centum per annum, which debentures the mayor and treasurer of the said municipality are hereby authorized to execute and issue.

(2) The principal and interest of such debentures may be made repayable by annual instalments during said period not exceeding forty years in the manner provided for by section 342 of said *The Consolidated Municipal Act 1892*, and amending Acts, or a sinking fund may be provided for by the by-law.

55 V. c. 42.

Agreements for operation of lines by other companies.

10. The said municipal corporation of the town of North Toronto are hereby empowered to enter into any arrangement as may be necessary for the operation of the line or lines of the said The Metropolitan Street Railway Company when the same shall have been leased or purchased by the said corpor-

ation of the town of North Toronto or of any street railway which may be constructed, equipped and operated by the said town of North Toronto, under the provisions of this Act, by The Toronto Railway Company or by any other street railway company with a view of obtaining a more efficient and cheaper service from and into the city of Toronto, from and into and through the town of North Toronto, and for such purpose to amalgamate with, sell to or lease to the said Toronto Railway Company such line of railway as may be at the date of such agreement the property of or under the control of the said municipal corporation of the town of North Toronto.

No. 33.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act respecting the Town of North Toronto.

First Reading, 1895.

(Private Bill.)

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 34.] **BILL.** [1895.

An Act to incorporate the Guelph Railway Company, and to confirm an agreement between the Corporation of the City of Guelph and George Sleeman.

Preamble.

WHEREAS, George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman, and Sarah Sleeman, all of the township of Guelph, in the county of Wellington, have by their petition prayed for an Act of incorporation for the purpose of enabling the company so to be incorporated to construct, maintain, and operate a surface street railway in the City of Guelph, under the contract or agreement dated the 7th day of August, 1894, between the corporation of the city of Guelph and George Sleeman, and to legalize the arrangement witnessed by the said agreement, with power to such company to construct, maintain, and operate such railway by electric or other power, and with power to extend the same as hereinafter mentioned, and with other powers necessary for carrying out the undertaking; and whereas the corporation of the city of Guelph have by their petition also prayed for an Act to be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between city of Guelph and George Sleeman confirmed.

1. The agreement between the corporation of the city of Guelph and the said George Sleeman, and by the said George Sleeman to be transferred to the company hereby incorporated, and which agreement is fully set forth in schedule A to this Act, is hereby declared to be valid, legal, and to be binding upon the said corporation of the City of Guelph and upon the company hereby incorporated, and it is hereby declared that under the said agreement such company shall be entitled to the exclusive right and privilege of using and working surface street railways in and upon the streets of the city of Guelph, according to the terms and under the conditions of the said agreement for the full period of thirty years from the first day of April, 1895, and subject to clause 35 of the aforesaid agreement for an additional period of ten years, the whole to be subject to all the conditions, provisos, and restrictions in the said agreement expressed and contained.

Incorporation of Guelph Railway Company.

2. The said George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman, and Sarah Sleeman, together with such other persons or corporations as shall become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic by the name of The Guelph Railway Company.

Location of line.

3. After the said agreement has been assigned tothe company it shall, subject to the provisions and conditions contained therein, have full and exclusive power to construct, complete, maintain and operate, and from time to time remove or change a double or single track street railway, with the necessary side-tracks, switches, and turnouts for the passage of cars, carriages, and other vehicles adapted to the same upon or along all or any of the streets or highways of the city of Guelph, subject to the conditions aforesaid, and to take, transport, and carry passengers and freight upon the same by the force and power of animals, electricity, or other motive power, and to construct and maintain and from time to time alter, repair, or enlarge all necessary and convenient stations, buildings, and conveniences therewith connected or required for the due and efficient working thereof, and to purchase, acquire, construct, or manufacture all engines, carriages, cars, and other machinery and contrivances necessary for all the purposes of the undertaking, and shall have full power to carry out, fulfil and execute said agreement and conditions.

Company substituted for Geo. Sleeman in agreement with city.

4. Wherever in the said agreement George Sleeman covenants or agrees to do, observe, fulfil, and keep any covenant, agreement, or condition, the said company, after the said agreement has been assigned to them, shall be bound to observe, fulfil, and keep such covenant, agreement, and condition, and all such covenants, agreements, and conditions shall be as binding upon the said company as if they were expressly named as parties of the second part in the said agreement instead of the said George Sleeman.

Exemption from municipal taxation.

5. So long as the company operate the said railway under the said agreement, the rails, cars, and other properties of the company shall be exempt from taxation by the corporation of the city of Guelph for the period of twenty years from the first day of April, 1895, and the income derived by any shareholders of the company from such shares shall also be exempt from taxation by the corporation of the city of Guelph for the period of twenty years from the said date.

Extension of line beyond the limits of the city.

6. The said company is hereby authorized and empowered to extend the said railway outside the limits of the said city of Guelph southeasterly to the Ontario Agricultural College and northwesterly to the Union cemetery, both in the township of Guelph, in the county of Wellington, which extensions shall be called respectively extensions numbers one and two,

and they are also authorized and empowered to extend their said railway southeasterly from the said college, extension number one to Schaw station, on the Canadian Pacific Railway, in the township of Puslinch, which shall be called extension number three, and northwesterly from the said cemetery extension number two, through the townships of Guelph, Nicol, and Peel, to the village of Arthur, passing through or near the village of Fergus, which shall be called extension number four; and they are also empowered to extend the said railway from the city of Guelph, through the townships of Guelph, Eramosa, and Erin, to the village of Erin, which shall be called extension number five, all in the county of Wellington, and the said extensions of the said railway or any of them may be carried along and upon such highways as may be authorized by the by-laws of the respective municipalities having jurisdiction over the highways and subject to any restrictions therein contained and under and subject to any agreement hereafter to be made between the council of the said corporations respectively and the said company, and the councils of such municipal corporations and the company may make and enter into any agreement as to the terms of occupancy of any street or highway, and the said extensions of the said railway and every of them the said company is hereby authorized and empowered to survey, lay out, construct, complete, maintain, and operate with iron or steel rails, with double or single tracks, and with the necessary side-tracks, switches, and turnouts, and to take, transport, and carry passengers and freight upon the same by the force and power of animals, electricity, or other motive power, and to construct and maintain and from time to time alter, repair, and enlarge all necessary and convenient stations, buildings, and conveniences therewith connected or required for the due and efficient working of the railway and extensions, and to purchase, acquire, construct or maintain all engines, carriages, cars, and other machinery and contrivances necessary for the purposes of the railway and extensions.

Acquiring electricity for operation of line.

7. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise over, through or under lands other than the right of way of the railways by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company and along and upon any of the public roads and highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such

roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters.

Gauge.

8. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

9. The said George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman and Sarah Sleeman, with power to add to their number, are hereby constituted a board of provisional directors of the said company, of which a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act by the shareholders.

Powers of provisional directors.

10. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of Guelph, in the county of Wellington, or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 170.

Capital stock.

11. The capital stock of the company hereby incorporated shall be $100,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 1,000 shares of $100 each, and shall be raised by the persons or corporation who may become shareholders in such company, and the money so raised shall be applied, in

Rev. Stat. c. 170.

the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining the said railways, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporations of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said railway company or be allowed to it in payment of stock.

Subscriptions not to be binding until approved.

12. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First general meeting.

13. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four week's notice of such meeting in the *Ontario Gazette*, and in at least one newspaper published in the said city of Guelph, of the time, place and purpose of the said meeting.

Election of directors.

14. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rule, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office and annual meetings.

15. The head office of the said company shall be at the said city of Guelph, and the general annual meetings of the

shareholders of the said company shall be held in such place in the said city of Guelph, or in such other place and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said city of Guelph during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

16. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

17. No person shall be qualified to be elected a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company upon which all calls have been paid.

Construction of line in sections.

18. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railways, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans or surveys, by sections or portions, less than the length of the whole railways authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than one mile in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Railway Act*, and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act*, and the amendments thereof, with respect to "Plans and Surveys."

Rev. Stat. c. 170.

Acquiring lands for parks and pleasure grounds.

19. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for

park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Proviso.

Proviso.

Proviso.

20. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Rights of aliens.

21. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting companies for Steam and Heating or for supplying Electricity for Light, Heat and Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Production of electricity.

Rev. Stat. c. 165.

22. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company and one by the majority of the heads of the municipalities which have granted bonuses, all the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the

Trustees of municipal debentures.

Proviso.

company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts on which debentures to be held.

23. The said trustees shall receive the said debentures or bonds in trust firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Guelph Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being, in the form set out in schedule C hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

24. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements for leasing or hiring rolling stock, etc.

25. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the electric motors, carriages, cars, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

26. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed. Agreements with electric companies.

27. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies* being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company. Telegraph and telephone lines. Proviso. Proviso.

28. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections. Bonding powers. Rev. Stat. c. 170.

29. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time for more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 13 of this Act. Calls.

30. The said directors or provisional directors may pay or agree to pay in paid up stock or bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the Payments in stock or bonds.

undertaking, or purchase of the right of way, or material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

31. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Conveyances of land to company.

32. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in schedule B to this Act or to the like effect shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Pledging bonds.

33. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railways.

Power to acquire whole lots.

34 Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of

way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat. c. 170.

35. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railways or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purpose thereof cause an Ontario land surveyor to make a map and description of the property so required as they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the obtaining materials as aforesaid and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring materials for line. Rev. Stat. c. 170.

36.—(1). When said gravel, earth, stone or sand shall be taken under the preceding section of this Act at a distance from the line of the railways the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said materials shall be found whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railways to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper. The powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of preparing and maintaining the said railways. Sidings to gravel pits etc. Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

37. The said company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards Aid to company.

the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Grants of land from municipalities.

38. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station ground or other purposes connected with the traffic or running of the railways and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell and otherwise dispose of the same for the benefit of the company.

Bonuses from municipalities.

39. Any municipality or any portion of the township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Municipal bonus by-laws.

40. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves or deputy-reeves or of fifty resident shareholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or by lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

41. Such by-law shall in each instance provide: By-laws, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality respectively and shall also provide for the delivery of the said debentures or the application of the amounts to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law, (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

42. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final and the by-law as confirmed or amended shall thereupon at the option of the railway company, be submitted by the council to the duly qualified voters and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway or the county as the arbitrators may order. Petition against county by-laws granting aid.

43. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, "Minor municipality," meaning of.

township or incorporated village situate in the county municipality.

Deposit to be made by company before submitting by-law.

44. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

By-law when assented to by ratepayers to be passed by council.

45. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

46. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rate on portion of municipality.

47. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 Vict., c. 42.

48. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement of work by municipalities.

49. The councils or all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion of work, by municipalities

50. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the work, on the completion of which the said company shall be entitled to such bonus from time to time, provided that no such extension shall be for a longer period than one year at a time.

Rate of three cents on the dollar valid.

51. Any municipality or portion of a township municipality interested in the construction of the road of the said company

may grant aid by way of bonus to the said company towards the construction of such road notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates than three cents on the dollar upon the value of the rateable property therein.

Exemption of property of company from taxation.

52 It shall be lawful for the corporation of any municipality through any part of which the extension of railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with the condition contained therein.

Transfer of shares.

53. Shares in the capital stock of the said company may be transferred by any form of instrument in writing but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Erecting warehouses, etc.

54. The company shall have full power to purchase land for and erect power-houses, warehouses, elevators, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose and the company shall have full power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways.

Vessel property.

Collection of back charges on goods.

55. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were orginally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment of line.

56. The directors of the said company may enter into a contract with any individual or association of individuals for the construction or equipment of the line or any part thereof,

including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stocks; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Application of provisions of Rev. Stat., c. 170.

57. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be contructed by them except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment hereof so incorporated with this Act.

SCHEDULE A.

(*Section 1.*)

This indenture made in duplicate this seventh day of August, one thousand eight hundred and ninety-four, between the corporation of the city of Guelph, (hereinafter called "the city"), of the first part; and George Sleeman, of the township of Guelph, in the county of Wellington, brewer, (hereinafter called "Sleeman"), of the second part.

Witnesseth that the city, for itself, its successors and assigns, in consideration of the covenants and agreements hereinafter contained on the part of the said Sleeman, his heirs, executors, administrators and assigns, to be observed and performed and of the observance and performance thereof, and the said Sleeman, for himself, his heirs, executors, administrators and assigns, in consideration of the grant of the franchise and privileges herein contained, do hereby mutually covenant and agree the one with the other in manner following, that is to say:

1. The city agrees to grant and doth hereby grant to the said Sleeman, permission to construct, maintain, complete and operate a surface street railway in the city, subject to the provisions hereinafter mentioned, with power to the said Sleeman to double track the whole or part, as he may deem necessary to serve the wants of the residents and general public, as follows:—Commencing at the city boundary on the Dundas road, thence along the Dundas road and Gordon street, thence along the Market square and Carden street to Wyndham street, thence along Wyndham street, Woolwich street and the Elora road to the west boundary of the city on said Elora road, and which said streets shall form and be called section 1 of the said railway, and the city further agrees to grant to the

said Sleeman permission to construct, maintain, complete and operate such street railway on such of the other streets of the city as the said Sleeman may from time designate, as hereinafter mentioned.

2. The said Sleeman shall have power to carry the said railway over existing bridges of the city on the lines of the said railway ; provided that the said Sleeman shall, and he hereby agrees to widen such bridges at his own expense, if the ordinary travel or traffic over same shall, by reason of such railway, necessitate wider bridges.

3. The said Sleeman agrees that the first section of said railway, as described in paragraph 1 hereof shall be constructed by the said Sleeman and put in operation within two years from the first day of April, 1895.

4. Upon the expiration of the said term of two years from the first day of April, 1895, yearly, in each of the four succeeding years, the said Sleeman agrees to complete and have in operation at least one mile of other sections of said street railway to be constructed by him upon other streets in the city, such streets to be designated by the said Sleeman, and the said Sleeman agrees duly to make such designation in order to carry out the true intent and meaning hereof.

5. The said Sleeman shall have the right to operate the said street railway for both passengers and freight traffic.

6. The permission hereby given and the grant hereby made by the city to the said Sleeman shall be and continue for a term of twenty from the passage of a by-law by the city to ratify and sanction this agreement and such term shall be renewed for a further term of ten years from the expiration of the said term of twenty years in the event of legislation being obtained to enable this to be done. And the city hereby undertakes immediately after request being made by the said Sleeman to aid in procuring legislation necessary to authorize such renewal for such further term of ten years and to legalize this indenture. The privilege hereby granted by the city to the said Sleeman is to be an exclusive privilege subject to the terms of this agreement so far as the city has power or authority to grant such exclusive privilege.

7. The said Sleeman shall maintain the said railway, including ties, stringers, rails, turnouts, curves, etc., in a state of thorough efficiency.

8. The gauge of the said system shall be the standard gauge for street railways, and the location of the railway on any street shall not be made by the said Sleeman until plans thereof showing the proposed position of the rails and the style of rail to be used shall have been submitted to and approved in writing by the city engineer or the city council.

9. The tracks of the said railway shall conform to the grades of the streets upon which they are respectively laid, and the said Sleeman shall not in any way change or alter the same without the written permission of the city engineer or the city council.

10. The city shall have the right to take up and replace the streets traversed by the railway lines for the purpose of altering the grades thereof, constructing and repairing pavements, drains and sewers and for laying down or repairing gas or water or sewer pipes and for all other purposes within the powers of the city, without being liable for any compensation or damage which may be occasioned to the working of the railway or works connected therewith, but the city shall not interfere with the working of the railway to any greater extent than may be reasonably necessary for the purpose of such works.

11. The privilege hereby granted is also subject to any existing rights (statutory or otherwise) of any other corporation which now has power or authority to take up the streets of the city, such rights to be exercised with permission and under the direction of the city engineer.

12. The track allowances as hereinafter specified shall be kept free from snow and ice at the expense of the said Sleeman; the said Sleeman, may if he sees fit, run sleighs when the accumulation of ice or snow is sufficient to impede the running of the cars, and if and when the said Sleeman does not run sleighs the said Sleeman may remove the snow and ice from the tracks and distribute the same evenly on the streets so as not to impede ordinary traffic along or across the streets.

13. All works necessary for the constructing or laying down of the rails or tramways or for operating the road by electricity or other power shall be made in a substantial manner according to the then existing modern practice and street railway system.

14. All spaces between the rails and between the tracks of at least one foot six inches from the outside of the track shall be kept by the said Sleeman constantly in good order, and in the same general condition of repair as the street outside the tracks is maintained by the city and shall be maintained flush with the rails by the said Sleeman who shall also be bound to construct and keep in repair as aforesaid, crossings of a character approved by the city engineer, at the intersection of the street railway track with cross streets or highways which may cross the same.

15. The rails and cars to be used by the said Sleeman shall be of modern design or pattern. All persons using the streets or highways shall be at liberty to travel upon the portion of the railway occupied by the railway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway and the wheels thereof upon said rails without charge by the said Sleeman, it being provided, however, that the cars of the said Sleeman shall have the first right of way over the said highway or tramway and all vehicles or persons travelling on that portion of the said streets occupied by the said railway or tramway shall turn out upon meeting or being overtaken

by any cars of the said Sleeman so as to give the said car or cars full right of way.

16. The said Sleeman shall operate the railway at all lawful times and with such frequency and number of cars as will meet the wants of the residents and the general public.

17. The said Sleeman shall be liable for all damages occasioned through his neglect or default by reason of the existence of the rails upon the said highway, and the said Sleeman covenants and agrees to hold the said city in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said city all sums payable by, or recovered against, the said city in respect of any such claims, together with all costs of, or incidental to, such claims incurred by the said city, and such claims and costs shall be a first lien on the said railway and the interest of the said Sleeman therein.

18. Should the said Sleeman neglect to keep the said tracks, roads, crossings or ballastings in good condition, according to the terms of this agreement, or to have the necessary repairs, according to this agreement, made thereon, the city may give notice requiring such repairs to be forthwith made, and it is agreed between the parties hereto that a certificate of the engineer for the time being of the said city as to the necessity of such repairs, in order to keep the said track or roadway or crossings in good condition, shall be binding and conclusive upon the said Sleeman; and if, after such notification has been given requiring such repairs to be made, the said Sleeman does not within one week begin to carry to completion with all reasonable diligence and complete such repairs within fifteen days from receipt of such notice, or such further time as the engineer or city council may allow, the city shall be at liberty to remove the rails of the said Sleeman and to place the said streets and highways in a proper state of repair at the expense of the said Sleeman, and the said Sleeman hereby agrees to pay for such work as may be done on demand, and the cost of such repairs shall be a lien on the said rails and upon the said Sleeman's interest in the property, and the said Sleeman shall not have the right to relay the said rails and use the said streets unless and until he either repays the cost of said repairs to the said city or pays such cost into the high court for the city, in case the amount claimed for repairs by the city is disputed.

19. The said Sleeman shall not be entitled to charge fares upon the said railway higher than the following:

Single cash fares are to be five cents each.

Fares after eleven o'clock at night and before five o'clock in the morning to be double the ordinary maximum single fares.

A class of tickets must be sold at the rate of eight for twenty-five cents, the same to be used only by passengers entering the cars between the time the cars commence running after five o'clock a m. and eight o'clock a m., and between five o'clock p.m. and half-past six o'clock p.m.

A class of fares must be sold at the rate of twenty-five for one dollar ($1.00); and

Another class at the rate of six for twenty-five cents.

Children under nine years of age, and not in arms, are to be carried at half-fare rates, and infants in arms are to be carried free; school children are to have school tickets at the rate of ten for twenty-five cents, only to be used between eight a.m. and five p.m., and not on Saturdays.

The payment of a fare shall entitle the passenger to a continuous ride from any point on said railway to any other point on a main line or branch of said railway within the city limits; and, to enable this service to be carried out, transfer arrangements shall be made by the said Sleeman. Police constables in uniform, detective police officers in the employ of the city, and (while a fire is in progress) members of the city fire department, in uniform, shall be carried free.

20. The said Sleeman shall be liable to, and shall indemnify the city against, all damages arising out of the construction or operation of the said railway system.

21. Cars are to be of the most improved design for service and comfort, including heating, lighting, signal appliance, numbers and route boards. They must be kept clean, inside and out, and shall not exhibit advertisements outside which shall be unsightly or disfigure the cars. The platforms must be provided with gates. Smoking will only be allowed on the front platform of closed cars and the rear seat and platform of open cars.

22. Each car is to be in charge of a uniformed conductor, who shall clearly announce the names of cross-streets as the cars reach them. Conductors shall not permit ladies or children to enter or leave the cars while the cars are in motion, and shall only receive and discharge passengers on the right, or curb, side of vehicles on double-track routes. On branch or light suburban lines, where horse-power is permitted, single-horse cars may be run in charge of a uniformed driver.

23. Cars are not to be overcrowded, only a comfortable number of passengers for each class of cars to be carried therein.

24. Cars shall only be stopped clear of cross-streets and midway between streets where distance exceeds six hundred feet.

25. It is expressly understood and agreed between the parties hereto that this agreement is to be considered as giving only such permission or franchise as the corporation of the city of Guelph has power to give, and if it shall be held by any court of competent jurisdiction that the city has not power to grant permission or franchise hereby given that thereupon this agreement shall be null and void and of no effect, subject, however, to any provisions of any Act of the legislature to be obtained as hereinafter mentioned.

26. The said Sleeman covenants with the said city that he will abide by, submit to, perform and fulfill in every respect any agreement, privilege or franchise that may be made, given or granted under the provisions hereof, or in pursuance of this agreement.

27. The city agrees so long as the said Sleeman operates the said railway under this agreement to exempt the rails, cars and other property of the said Sleeman from taxation for a period of ten years, so far as the city has power so to do, and they agree to consent to legislation to extend such exemption for such further period not exceeding twenty years, as the legislature may consent to; and the city also agrees to exempt from taxation for a period of ten years the income derived by any shareholders of any company which may hereafter be formed for the purpose of operating the said railway, and they agree to consent to legislation to extend such exemption for such further period, not exceeding twenty years, as the legislature may consent to.

28 If the said Sleeman does not construct and operate the first section of said railway, according to the terms of this agreement, within two years from the first day of April, 1895, but the said Sleeman shall have made substantial progress with the work towards completion thereof, the said Sleeman agrees to pay the city twenty dollars ($20) for each and every month that he shall be in default after the first day of April, 1897.

29. If the said Sleeman shall wholly fail in constructing a substantial part of the first section of the said railway, according to the terms of this agreement, by the first day of April, 1897, the said Sleeman agrees to pay the city five hundred dollars ($500) by way of liquidated damages, and he also shall forfeit all the franchises and privileges conferred by this agreement, and the same shall then be null and void.

30. If the said Sleeman, after having completed the first section of the said railway, shall nevertheless fail in constructing and operating at least one mile of other sections of the said street railway, to be constructed on other streets to be designated by the said Sleeman as aforesaid, in each year for four years after the said term of two years has expired, as hereinbefore set out, the said Sleeman agrees to pay to the city as and by way of liquidated damages the sum of twenty dollars ($20) for each and every month's default in this clause mentioned.

31. If the said Sleeman, after having constructed part of the said railway, shall cease *bona fide* to operate the same for the term of six months continuously, then the said Sleeman shall be taken to have abandoned the said undertaking, and the city may by one month's notice in writing to the said Sleeman, after the said period of six months, declare the franchise hereby conferred and other privileges granted hereunder to be forfeited, and thereupon this agreement shall

be utterly null and void, and the city shall be entitled to cause the rails and other property of the said Sleeman to be removed from the streets and the streets restored at the expense of the said Sleeman, and the cost of such removal and restoration shall be a lien on the said rails and on the interest of the said Sleeman in the said railway.

32. And it is hereby agreed that application be made to the Legislature of Ontario to legalize the arrangement witnessed by this agreement, such Act to be either in the form of an Act to incorporate a company to operate the said street railway, and to confer powers upon it or otherwise as counsel may advise, and that the expense of such Act shall be borne equally between the city and the said Sleeman, that is to say one-half by each.

33. It is further understood and agreed that both parties hereto shall execute all deeds, grants, instruments and agreements, and the city shall pass any by-law or by-laws that may be necessary to carry out the full intent and meaning hereof.

34. The city consents to the said Sleeman extending the line of street railway outside the city limits, subject to the said Sleeman obtaining the approval of any other municipal authority concerned.

35. At the termination of said period of thirty years, the city may, in the event of the council so desiring, take over all the real and personal property necessary to be used in connection with the working of the said railway within the city limits, at a value to be determined by one or more arbitrators (not exceeding three) to be appointed as provided in *The Municipal Act* and *The Acts respecting Arbitrations and References*, and to have all the powers of arbitrators appointed under the said Acts, in which case the arbitrators shall allow for the value of the privilege or franchise a sum equal to the net profits of operating the said railway for the preceding ten years, and if the city council do not determine to take over the said railway, the said Sleeman shall be entitled to an extension of the privilege or franchise hereby granted for a further period of ten years, and on the same terms, and at the termination of such extended period of ten years the city may take over the railway property aforesaid at a valuation to be made as aforesaid, but without anything being allowed for the value of the franchise and thereafter the provisions of section 18 of *The Street Railway Act*, R.S.O., 1887, shall apply.

36. It is further understood and agreed that the said Sleeman may associate other persons with him in the said undertaking, and if and when he does so he shall be at liberty by such instruments as may be deemed necessary to transfer to such other persons along with himself an interest in this agreement, provided he and they jointly and severally assume the obligations that said Sleeman hereby enters into with the said city; and the said Sleeman hereby agrees to form an incorporated company either under the general Act, Revised

Statutes of Ontario, 1881, chapter 171, or under a special Act to be obtained by them for the purpose of constructing and operating the said railway.

37. When an incorporated company shall be formed the said Sleeman and others so associated with him shall be at liberty to transfer absolutely to such company all interest under this agreement, provided such incorporated company shall and may lawfully assume all obligations hereby entered into by said Sleeman and others with the city and thereupon the said Sleeman and others shall be personally released from such obligation.

As witness the corporation seal of the city of Guelph and the hands of the mayor and clerk thereof, and the hand and seal of the said George Sleeman, this seventh day of August, A.D. 1894.

Witness,
(Signed) ARTHUR KILNER,
as to GEORGE SLEEMAN.

(Signed) JAMES HEWER,
Chairman.

(Signed) RICHARD MITCHELL,
City Clerk.

(Signed) GEO. SLEEMAN. [Seal]

[Corporate seal]

SCHEDULE B.

(*Section 32.*)

Know all men by these presents, that I, (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Guelph Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and paid out by the said company for the purposes of its railways to hold with the appurtenances unto the said The Guelph Railway Company,

their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I, (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

SCHEDULE C.

(*Section 23.*)

Chief Engineer's Certificate.

The Guelph Railway Company's Office,
No. , A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on The Guelph Railway Company Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, , chief engineer of the Guelph Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No. , of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(*here set out the terms and conditions, if any, which have been fulfilled*).

No. 34.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Guelph Railway Company and to confirm an agreement between the Corporation of the City of Guelph and George Sleeman.

First reading, , 1895.

(Private Bill.)

Mr. MUTRIE.

TORONTO:
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Printer to the Queen's Most Excellent Majesty.

No. 34.] **BILL.** [1895.

An Act to incorporate the Guelph Railway Company, and to confirm an agreement between the Corporation of the City of Guelph and George Sleeman.

Preamble.

WHEREAS, George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman, and Sarah Sleeman, all of the township of Guelph, in the county of Wellington, have by their petition prayed for an Act of incorporation for the purpose of enabling the company so to be incorporated to construct, maintain, and operate a surface street railway in the City of Guelph, under the contract or agreement dated the 7th day of August, 1894, between the corporation of the city of Guelph and George Sleeman, and to legalize the arrangement witnessed by the said agreement, with power to such company to construct, maintain, and operate such railway by electric or other power *other than steam*, and with power to extend the same as hereinafter mentioned, and with other powers necessary for carrying out the undertaking; and whereas the corporation of the city of Guelph have by their petition also prayed for an Act to be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between city of Guelph and George Sleeman confirmed.

1. The agreement between the corporation of the city of Guelph and the said George Sleeman, and by the said George Sleeman to be transferred to the company hereby incorporated, and which agreement is fully set forth in schedule A to this Act, is hereby declared to be valid, legal, and to be binding upon the said corporation of the City of Guelph and upon the company hereby incorporated, and it is hereby declared that under the said agreement such company shall be entitled to the exclusive right and privilege of using and working surface street railways in and upon the streets of the city of Guelph, according to the terms and under the conditions of the said agreement for the full period of thirty years from the first day of April, 1895, and subject to clause 35 of the aforesaid agreement for an additional period of ten years, the whole to be subject to all the conditions, provisos, and restrictions in the said agreement expressed and contained.

Incorporation of Guelph Railway Company.

2. The said George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman, and Sarah Sleeman, together with such other persons or corporations as shall become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic by the name of The Guelph Railway Company.

Location of line.

3. After the said agreement has been assigned tothe company it shall, subject to the provisions and conditions contained therein, have full and exclusive power to construct, complete, maintain and operate, and from time to time remove or change a double or single track street railway, with the necessary side-tracks, switches, and turnouts for the passage of cars, carriages, and other vehicles adapted to the same upon or along all or any of the streets or highways of the city of Guelph, subject to the conditions aforesaid, and to take, transport, and carry passengers and freight upon the same by the force and power of animals, electricity, or other motive power *other than steam*, and to construct and maintain and from time to time alter, repair, or enlarge all necessary and convenient stations, buildings, and conveniences therewith connected or required for the due and efficient working thereof, and to purchase, acquire, construct, or manufacture all engines, carriages, cars, and other machinery and contrivances necessary for all the purposes of the undertaking, and shall have full power to carry out, fulfil and execute said agreement and conditions.

Company substituted for Geo. Sleeman in agreement with city.

4. Wherever in the said agreement George Sleeman covenants or agrees to do, observe, fulfil, and keep any covenant, agreement, or condition, the said company, after the said agreement has been assigned to them, shall be bound to observe, fulfil, and keep such covenant, agreement, and condition, and all such covenants, agreements, and conditions shall be as binding upon the said company as if they were expressly named as parties of the second part in the said agreement instead of the said George Sleeman.

Exemption from municipal taxation.

5. So long as the company operate the said railway under the said agreement, the rails, cars, and other properties of the company in so far as the same are used for the said railway shall be exempt from taxation by the corporation of the city of Guelph for the period of twenty years from the first day of April, 1895, and the income derived by any shareholders of the company from such shares shall also be exempt from taxation by the corporation of the city of Guelph for the period of twenty years from the said date.

Extension of line beyond the limits of the city.

6. The said company is hereby authorized and empowered to extend the said railway outside the limits of the said city of Guelph southeasterly to the Ontario Agricultural College and northwesterly to the Union cemetery, both in the township of Guelph, in the county of Wellington, which extensions shall be called respectively extensions numbers one and two, and the said

extensions of the said railway or any of them may be carried along and upon such highways as may be authorized by the by-laws of the respective municipalities having jurisdiction over the highways and subject to any restrictions therein contained and under and subject to any agreement hereafter to be made between the council of the said corporations respectively and the said company, and the councils of such municipal corporations and the company may make and enter into any agreement as to the terms of occupancy of any street or highway, and the said extensions of the said railway and every of them the said company is hereby authorized and empowered to survey, lay out, construct, complete, maintain, and operate with iron or steel rails, with double or single tracks, and with the necessary side-tracks, switches, and turnouts, and to take, transport, and carry passengers and freight upon the same by the force and power of animals, electricity, or other motive power *other than steam*, and to construct and maintain and from time to time alter, repair, and enlarge all necessary and convenient stations, buildings, and conveniences therewith connected or required for the due and efficient working of the railway and extensions, and to purchase, acquire, construct or maintain all engines, carriages, cars, and other machinery and contrivances necessary for the purposes of the railway and extensions.

Gauge.

7. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

8. The said George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman and Sarah Sleeman, with power to add to their number, are hereby constituted a board of provisional directors of the said company, of which a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act by the shareholders.

Meetings of board of directors.

9. All meetings of the provisional board of directors shall be held at the city of Guelph, in the county of Wellington

Capital stock.

10. The capital stock of the company hereby incorporated shall be $100,000, to be divided into 1,000 shares of $100 each.

Subscriptions not to be binding until approved.

11. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Head office—meetings.

12. The head office of the company shall be at the city of Guelph, and all general meetings of the company whether annual or special shall be held at the head office and on such days and at such hours as may be directed by the by-laws of the company and upon such notice as is prescribed by *The Electric Railway Act 1895*.

Number of directors.

13. The board of directors of the company shall consist of five persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act 1895*.

Collection of back charges on goods.

14. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were orginally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Application of certain provisions of Electric Railway Act.

15. Sub-sections 5, 6, 7, 8, 9 and 12 of section 9, sections 10 to 17 inclusive, sections 20 to 26 inclusive, sections 44, 45, 46 and 48 inclusive, sections 52 to 54 inclusive, sub-sections 1, 4, 5, 13 of section 55, sections 56, 58, 60, 62, 63, 77, 81 and sub-section 1 of section 84, section 89 and schedule A of *The Electric Railway Act 1895*, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment hereof so incorporated with this Act.

SCHEDULE A.

(*Section 1.*)

This indenture made in duplicate this seventh day of August, one thousand eight hundred and ninety-four, between the corporation of the city of Guelph, (hereinafter called "the city"), of the first part; and George Sleeman, of the township of Guelph, in the county of Wellington, brewer, (hereinafter called "Sleeman"), of the second part.

Witnesseth that the city, for itself, its successors and assigns, in consideration of the covenants and agreements hereinafter contained on the part of the said Sleeman, his heirs, executors, administrators and assigns, to be observed and performed and of the observance and performance thereof, and the said Sleeman, for himself, his heirs, executors, administrators and assigns, in consideration of the grant of the franchise and privileges herein contained, do hereby mutually covenant and agree the one with the other in manner following, that is to say:

1. The city agrees to grant and doth hereby grant to the said Sleeman, permission to construct, maintain, complete and operate a surface street railway in the city, subject to the provisions hereinafter mentioned, with power to the said Sleeman to double track the whole or part, as he may deem necessary to serve the wants of the residents and general public, as follows:—Commencing at the city boundary on the Dundas road, thence along the Dundas road and Gordon street, thence along the Market square and Carden street to Wyndham

street, thence along Wyndham street, Woolwich street and the Elora road to the west boundary of the city on said Elora road, and which said streets shall form and be called section 1 of the said railway, and the city further agrees to grant to the said Sleeman permission to construct, maintain, complete and operate such street railway on such of the other streets of the city as the said Sleeman may from time designate, as hereinafter mentioned.

2. The said Sleeman shall have power to carry the said railway over existing bridges of the city on the lines of the said railway ; provided that the said Sleeman shall, and he hereby agrees to widen such bridges at his own expense, if the ordinary travel or traffic over same shall, by reason of such railway, necessitate wider bridges.

3. The said Sleeman agrees that the first section of said railway, as described in paragraph 1 hereof shall be constructed by the said Sleeman and put in operation within two years from the first day of April, 1895.

4. Upon the expiration of the said term of two years from the first day of April, 1895, yearly, in each of the four succeeding years, the said Sleeman agrees to complete and have in operation at least one mile of other sections of said street railway to be constructed by him upon other streets in the city, such streets to be designated by the said Sleeman, and the said Sleeman agrees duly to make such designation in order to carry out the true intent and meaning hereof.

5. The said Sleeman shall have the right to operate the said street railway for both passengers and freight traffic.

6. The permission hereby given and the grant hereby made by the city to the said Sleeman shall be and continue for a term of twenty from the passage of a by-law by the city to ratify and sanction this agreement and such term shall be renewed for a further term of ten years from the expiration of the said term of twenty years in the event of legislation being obtained to enable this to be done. And the city hereby undertakes immediately after request being made by the said Sleeman to aid in procuring legislation necessary to authorize such renewal for such further term of ten years and to legalize this indenture. The privilege hereby granted by the city to the said Sleeman is to be an exclusive privilege subject to the terms of this agreement so far as the city has power or authority to grant such exclusive privilege.

7. The said Sleeman shall maintain the said railway, including ties, stringers, rails, turnouts, curves, etc., in a state of thorough efficiency.

8. The gauge of the said system shall be the standard gauge for street railways, and the location of the railway on any street shall not be made by the said Sleeman until plans thereof showing the proposed position of the rails and the style of rail to be used shall have been submitted to and approved in writing by the city engineer or the city council.

9. The tracks of the said railway shall conform to the grades of the streets upon which they are respectively laid, and the

said Sleeman shall not in any way change or alter the same without the written permission of the city engineer or the city council.

10. The city shall have the right to take up and replace the streets traversed by the railway lines for the purpose of altering the grades thereof, constructing and repairing pavements, drains and sewers and for laying down or repairing gas or water or sewer pipes and for all other purposes within the powers of the city, without being liable for any compensation or damage which may be occasioned to the working of the railway or works connected therewith, but the city shall not interfere with the working of the railway to any greater extent than may be reasonably necessary for the purpose of such works.

11. The privilege hereby granted is also subject to any existing rights (statutory or otherwise) of any other corporation which now has power or authority to take up the streets of the city, such rights to be exercised with permission and under the direction of the city engineer.

12. The track allowances as hereinafter specified shall be kept free from snow and ice at the expense of the said Sleeman; the said Sleeman, may if he sees fit, run sleighs when the accumulation of ice or snow is sufficient to impede the running of the cars, and if and when the said Sleeman does not run sleighs the said Sleeman may remove the snow and ice from the tracks and distribute the same evenly on the streets so as not to impede ordinary traffic along or across the streets.

13. All works necessary for the constructing or laying down of the rails or tramways or for operating the road by electricity or other power shall be made in a substantial manner according to the then existing modern practice and street railway system.

14. All spaces between the rails and between the tracks of at least one foot six inches from the outside of the track shall be kept by the said Sleeman constantly in good order, and in the same general condition of repair as the street outside the tracks is maintained by the city and shall be maintained flush with the rails by the said Sleeman who shall also be bound to construct and keep in repair as aforesaid, crossings of a character approved by the city engineer, at the intersection of the street railway track with cross streets or highways which may cross the same.

15. The rails and cars to be used by the said Sleeman shall be of modern design or pattern. All persons using the streets or highways shall be at liberty to travel upon the portion of the railway occupied by the railway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway and the wheels thereof upon said rails without charge by the said Sleeman, it being provided, however, that the cars of the said Sleeman shall have the first right of way over the said *railway* or tramway and all vehicles or persons travelling on that portion of the said streets occupied by the said railway or tramway shall turn out upon meeting or being overtaken

by any cars of the said Sleeman so as to give the said car or cars full right of way.

16. The said Sleeman shall operate the railway at all lawful times and with such frequency and number of cars as will meet the wants of the residents and the general public.

17. The said Sleeman shall be liable for all damages occasioned through his neglect or default by reason of the existence of the rails upon the said highway, and the said Sleeman covenants and agrees to hold the said city in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said city all sums payable by, or recovered against, the said city in respect of any such claims, together with all costs of, or incidental to, such claims incurred by the said city, and such claims and costs shall be a first lien on the said railway and the interest of the said Sleeman therein.

18. Should the said Sleeman neglect to keep the said tracks, roads, crossings or ballastings in good condition, according to the terms of this agreement, or to have the necessary repairs, according to this agreement, made thereon, the city may give notice requiring such repairs to be forthwith made, and it is agreed between the parties hereto that a certificate of the engineer for the time being of the said city as to the necessity of such repairs, in order to keep the said track or roadway or crossings in good condition, shall be binding and conclusive upon the said Sleeman; and if, after such notification has been given requiring such repairs to be made, the said Sleeman does not within one week begin to carry to completion with all reasonable diligence and complete such repairs within fifteen days from receipt of such notice, or such further time as the engineer or city council may allow, the city shall be at liberty to remove the rails of the said Sleeman and to place the said streets and highways in a proper state of repair at the expense of the said Sleeman, and the said Sleeman hereby agrees to pay for such work as may be done on demand, and the cost of such repairs shall be a lien on the said rails and upon the said Sleeman's interest in the property, and the said Sleeman shall not have the right to relay the said rails and use the said streets unless and until he either repays the cost of said repairs to the said city or pays such cost into the high court for the city, in case the amount claimed for repairs by the city is disputed.

19. The said Sleeman shall not be entitled to charge fares upon the said railway higher than the following:

Single cash fares are to be five cents each.

Fares after eleven o'clock at night and before five o'clock in the morning to be double the ordinary maximum single fares.

A class of tickets must be sold at the rate of eight for twenty-five cents, the same to be used only by passengers entering the cars between the time the cars commence running after five o'clock a.m. and eight o'clock a.m., and between five o'clock p.m. and half-past six o'clock p.m.

A class of fares must be sold at the rate of twenty-five for one dollar ($1.00); and

Another class at the rate of six for twenty-five cents.

Children under nine years of age, and not in arms, are to be carried at half-fare rates, and infants in arms are to be carried free; school children are to have school tickets at the rate of ten for twenty-five cents, only to be used between eight a.m. and five p.m., and not on Saturdays.

The payment of a fare shall entitle the passenger to a continuous ride from any point on said railway to any other point on a main line or branch of said railway within the city limits; and, to enable this service to be carried out, transfer arrangements shall be made by the said Sleeman. Police constables in uniform, detective police officers in the employ of the city, and (while a fire is in progress) members of the city fire department, in uniform, shall be carried free.

20. The said Sleeman shall be liable to, and shall indemnify the city against, all damages arising out of the construction or operation of the said railway system.

21. Cars are to be of the most improved design for service and comfort, including heating, lighting, signal appliance, numbers and route boards. They must be kept clean, inside and out, and shall not exhibit advertisements outside which shall be unsightly or disfigure the cars. The platforms must be provided with gates. Smoking will only be allowed on the front platform of closed cars and the rear seat and platform of open cars.

22. Each car is to be in charge of a uniformed conductor, who shall clearly announce the names of cross-streets as the cars reach them. Conductors shall not permit ladies or children to enter or leave the cars while the cars are in motion, and shall only receive and discharge passengers on the right, or curb, side of vehicles on double-track routes. On branch or light suburban lines, where horse-power is permitted, single-horse cars may be run in charge of a uniformed driver.

23. Cars are not to be overcrowded, only a comfortable number of passengers for each class of cars to be carried therein.

24. Cars shall only be stopped clear of cross-streets and midway between streets where distance exceeds six hundred feet.

25. It is expressly understood and agreed between the parties hereto that this agreement is to be considered as giving only such permission or franchise as the corporation of the city of Guelph has power to give, and if it shall be held by any court of competent jurisdiction that the city has not power to grant permission or franchise hereby given that thereupon this agreement shall be null and void and of no effect, subject, however, to any provisions of any Act of the legislature to be obtained as hereinafter mentioned.

26. The said Sleeman covenants with the said city that he will abide by, submit to, perform and fulfill in every respect any agreement, privilege or franchise that may be made, given or granted under the provisions hereof, or in pursuance of this agreement.

27. The city agrees so long as the said Sleeman operates the said railway under this agreement to exempt the rails, cars and other property of the said Sleeman from taxation for a period of ten years, so far as the city has power so to do, and they agree to consent to legislation to extend such exemption for such further period not exceeding twenty years, as the legislature may consent to; and the city also agrees to exempt from taxation for a period of ten years the income derived by any shareholders of any company which may hereafter be formed for the purpose of operating the said railway, and they agree to consent to legislation to extend such exemption for such further period, not exceeding twenty years, as the legislature may consent to.

28 If the said Sleeman does not construct and operate the first section of said railway, according to the terms of this agreement, within two years from the first day of April, 1895, but the said Sleeman shall have made substantial progress with the work towards completion thereof, the said Sleeman agrees to pay the city twenty dollars ($20) for each and every month that he shall be in default after the first day of April, 1897.

29. If the said Sleeman shall wholly fail in constructing a substantial part of the first section of the said railway, according to the terms of this agreement, by the first day of April, 1897, the said Sleeman agrees to pay the city five hundred dollars ($500) by way of liquidated damages, and he also shall forfeit all the franchises and privileges conferred by this agreement, and the same shall then be null and void.

30. If the said Sleeman, after having completed the first section of the said railway, shall nevertheless fail in constructing and operating at least one mile of other sections of the said street railway, to be constructed on other streets to be designated by the said Sleeman as aforesaid, in each year for four years after the said term of two years has expired, as hereinbefore set out, the said Sleeman agrees to pay to the city as and by way of liquidated damages the sum of twenty dollars ($20) for each and every month's default in this clause mentioned.

31. If the said Sleeman, after having constructed part of the said railway, shall cease *bona fide* to operate the same for the term of six months continuously, then the said Sleeman shall be taken to have abandoned the said undertaking, and the city may by one month's notice in writing to the said Sleeman, after the said period of six months, declare the franchise hereby conferred and other privileges granted hereunder to be forfeited, and thereupon this agreement shall

be utterly null and void, and the city shall be entitled to cause the rails and other property of the said Sleeman to be removed from the streets and the streets restored at the expense of the said Sleeman, and the cost of such removal and restoration shall be a lien on the said rails and on the interest of the said Sleeman in the said railway.

32. And it is hereby agreed that application be made to the Legislature of Ontario to legalize the arrangement witnessed by this agreement, such Act to be either in the form of an Act to incorporate a company to operate the said street railway, and to confer powers upon it or otherwise as counsel may advise, and that the expense of such Act shall be borne equally between the city and the said Sleeman, that is to say one-half by each.

33. It is further understood and agreed that both parties hereto shall execute all deeds, grants, instruments and agreements, and the city shall pass any by-law or by-laws that may be necessary to carry out the full intent and meaning hereof.

34. The city consents to the said Sleeman extending the line of street railway outside the city limits, subject to the said Sleeman obtaining the approval of any other municipal authority concerned.

35. At the termination of said period of thirty years, the city may, in the event of the council so desiring, take over all the real and personal property necessary to be used in connection with the working of the said railway within the city limits, at a value to be determined by one or more arbitrators (not exceeding three) to be appointed as provided in *The Municipal Act* and *The Acts respecting Arbitrations and References*, and to have all the powers of arbitrators appointed under the said Acts, in which case the arbitrators shall allow for the value of the privilege or franchise a sum equal to the net profits of operating the said railway for the preceding ten years, and if the city council do not determine to take over the said railway, the said Sleeman shall be entitled to an extension of the privilege or franchise hereby granted for a further period of ten years, and on the same terms, and at the termination of such extended period of ten years the city may take over the railway property aforesaid at a valuation to be made as aforesaid, but without anything being allowed for the value of the franchise and thereafter the provisions of section 18 of *The Street Railway Act*, R.S.O., 1887, shall apply.

36. It is further understood and agreed that the said Sleeman may associate other persons with him in the said undertaking, and if and when he does so he shall be at liberty by such instruments as may be deemed necessary to transfer to such other persons along with himself an interest in this agreement, provided he and they jointly and severally assume the obligations that said Sleeman hereby enters into with the said city; and the said Sleeman hereby agrees to form an incorporated company either under the general Act, Revised

Statutes of Ontario, 1887, chapter 171, or under a special Act to be obtained by them for the purpose of constructing and operating the said railway.

37. When an incorporated company shall be formed the said Sleeman and others so associated with him shall be at liberty to transfer absolutely to such company all interest under this agreement, provided such incorporated company shall and may lawfully assume all obligations hereby entered into by said Sleeman and others with the city and thereupon the said Sleeman and others shall be personally released from such obligation.

As witness the corporate seal of the city of Guelph and the hands of the mayor and clerk thereof, and the hand and seal of the said George Sleeman, this seventh day of August, A.D. 1894.

Witness,
(Signed) ARTHUR KILNER,
as to GEORGE SLEEMAN.

(Signed) JAMES HEWER,
Chairman.

(Signed) RICHARD MITCHELL,
City Clerk.

(Signed) GEO. SLEEMAN. [Seal]

[Corporate seal]

No. 34.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Guelph Railway Company and to confirm an agreement between the Corporation of the City of Guelph and George Sleeman.

First Reading, 14th March, 1895.
Second Reading, 5th April, 1895.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.)

Mr. MUTRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35.] BILL. [1895.

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the City of Toronto by petition has prayed for special legislation in regard to the several matters hereinafter set forth ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

35 V. c. 79, s. 5, amended.

1. Section 5 of chapter 79 of the Acts passed in the 35th year of Her Majesty's reign, is amended by striking out the word " thirty " in the sixth line of the said section and inserting the word " sixty " in lieu thereof.

County of York authorized to assign agreement with Toronto and Mimico Electric Railway and Light Company (Limited) to the city.

2. The corporation of the county of York, by the council thereof, is hereby authorized to assign to the corporation of the city of Toronto the agreement between the corporation of the county of York and the Toronto and Mimico Electric Railway and Light Company (Limited), dated the twenty-third day of December, 1890, and set out as schedule C to the Act passed by the Legislature of the Province of Ontario in the 54th year of Her Majesty's reign, and chaptered 96, and upon the execution of such assignment all rights of the county of York in or under the said agreement of the twenty-third of December, 1890, are hereby declared to be fully transferred to the corporation of the city of Toronto, as though the said corporation of the city of Toronto was a party thereto instead of the corporation of the county of York, and all the rights, privileges and powers in the said agreement given to the corporation of the county of York and its officers are hereby given to the corporation of the city of Toronto and its officers.

Authority to contract with Toronto Railway Co. for haulage of scavengers' material.

3. Notwithstanding anything contained in the Act passed by the Legislature of the Province of Ontario in the 55th year of Her Majesty's reign, and chaptered 99, or any other Act of the said Legislature, the corporation of the city of Toronto is hereby authorized to enter into an agreement with the Toronto Railway Company to haul the material removed by the Scavenger department of the city of Toronto for a period of

52 V. c. 74, s. 5, amended.

ten years, with the option of renewal for further periods of ten years or less, upon such terms as may be mutually agreed upon, and amongst others, that no percentage is to be payable to the city upon the price paid to the said company for such hauling.

Rate of interest on debentures.

4. Section 5 of chapter 74 of the Acts passed by the Legislature of the Province of Ontario in the 52nd year of Her Majesty's reign, is amended by striking out the words "three and a half" in the last line of said section, and by inserting the word "four" in lieu thereof; and the said amendment is to apply at the option of the council of the corporation of the city of Toronto, to any by-laws passed during the year 1894 under the said Act, or in any previous year if the debentures thereunder have not issued, or to any debentures issued or to be issued thereunder, and the said council may amend any such by-laws passed during the year 1894 or previous years, whether submitted to the ratepayers or not, by making the rate of interest four per cent. instead of three and a half per cent. and by reducing the amount of debentures to be issued under such by-laws.

Ferries to the island.

5. The right and privilege to run ferry boats and to operate ferries between the main land of the city of Toronto and the island in front thereof, or between any two or more points in the city of Toronto is hereby vested in the corporation of the city of Toronto, together with the right to let or lease any such ferry, or the privileges thereof, to one or more persons or companies, upon such terms and for such periods of time as to the council of the said corporation may seem proper.

Rate of interest on Queen street subway.

6. Notwithstanding the provisions of section 327 of *The Consolidated Municipal Act, 1892*, the council of the corporation of the city of Toronto is hereby authorized to amend the by-law for borrowing $130,000, submitted to the ratepayers on the 20th day of October, 1894, to raise the money necessary for the widening of the Queen street subway, by making the rate of interest of the debentures thereunder four per cent. instead of three and a half per cent. and such further amendments to the by-law as may be necessary by reason of such change of the rate of interest therein and thereafter to pass such by-law.

Local improvement by-laws confirmed.

7. The by-laws of the corporation of the city of Toronto specified in schedule B hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed.

List of By-laws

Providing for the issue of Debentures passed by the Council of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3026	Grading of Kippendavie avenue from Queen street to the beach	February 15th, 1892..	4,198 29	.....	4,198 29	9	4
3092	Bryce Brothers asphaltic pavement on Spadina crescent and Russell street (to amend by-law No. 2862)	September 26th, 1892	217 78	.....	217 78	3	4
3126	Sewers on 24 several streets (as amended by by-law No. 3275)	April 10th, 1893	25,905 03	.....	25,905 03	various	4
3130	Pavements on 4 several streets (as amended by by-law No. 3274)	" 24th, 1893	4,802 35	.....	4,802 35	5 and 7	4
3154	Roadway on Bismarck avenue from Yonge street to Gwynne street (as amended by by-law No. 3221)	May 8th, 1893	1,268 60	.....	1,268 60	1	4
3177	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 2844 (and as amended by by-law 3220)	June 19th, 1893	10,730 36	.....	10,730 36	10	4
3220	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 3177	March 5th, 1894	10,730 36	.....	10,730 36	10	4
3221	Roadway on Bismarck avenue from Yonge street to Gwynne street, amending by-law No. 3154	March 12th, 1894....	1,316 39	.....	1,316 39	4	4
3223	Pavements on 16 several streets	March 27th, 1894 ...	37,701 80	.....	37,701 80	various	4
3224	Sewers on 4 several streets	"	6,154 18	.....	6,154 18	5	4
3225	Roadway on King street from Sherbourne street to Simcoe street	"	40,896 30	.....	40,896 30	10	4

List of By-laws—*Continued.*

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3226	Roadway on Winchester street from Parliament street to Sumach street	March 27th, 1894....	11,656 75	.....	11,656 75	8	4
3227	Roadway on Earl street from Sherbourne street to its western terminus	"	4,133 80	.....	4,133 80	5	4
3228	Roadway on Richmond street from Victoria street to Bay street	"	9,938 18	.....	9,938 18	8	4
3229	Roadway on Czar street from Yonge street to North street	"	4,117 92	.....	4,117 92	8	4
3230	Roadway on Linden street from Sherbourne street to Huntly street	"	4,750 88	.....	4,750 88	8	4
3231	Roadway on Munn's lane from Wellington street to north terminus of lane	"	1,253 41	.....	1,253 41	8	4
3233	Roadway on lane first south of Queen street from Tecumseh street to Niagara street	"	1,166 21	.....	1,166 21	5	4
3234	Sidewalk on Victoria street, both sides, from King street to Adelaide street	"	1,318 59	.....	1,318 59	8	4
3235	Sidewalk on Sherbourne street, east side, from Gerrard street to Wellesley street	"	2,978 97	.....	2,978 97	8	4
3236	Sidewalk on Sherbourne street, west side, from Wilton avenue to Bloor street	"	4,627 17	.....	4,627 17	7	4
3239	Sidewalks on 147 several streets	April 9th, 1894.....	25,797 38	.....	25,797 38	2 and 6	4
3240	Extension of McMillan avenue from south end of same to Carlton street	April 23rd, 1894	6,973 54	.....	6,973 54	5	4
3241	Extension of Goulding street from Markham street to Palmerston avenue	"	518 75	.....	518 75	5	4
3242	Sewer on Dovercourt Road from Blair street to a point 200 feet north	"	321 91	.....	321 91	5	4

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3243	Sewer on Glen road from Elm avenue to Maple avenue	April 23rd, 1894	694 19	.....	694 19	5	4
3244	Sewer on King street from the Garrison Creek sewer to Dufferin street	"	3,451 91	.....	3,451 91	17	4
3245	Roadway on King street from the King street subway to Dufferin street	"	7,353 89	.....	7,353 89	6	4
3246	Sidewalk on King street from King street subway to Dufferin street	"	389 81	.....	389 81	3	4
3248	Sewers on Lisgar, Blair and Armour streets from Queen street to King street	May 7th, 1894	1,996 62	.....	1,996 62	17	4
3262	Paving track allowance of Toronto Railway Company consolidating by-laws 3178, 3188, 3195, 3196 and 3197	June 18th, 1894	625,122 24	625,122 24	.....	10	4
3274	Roadway on Macpherson avenue from Rathnally avenue to Poplar Plains Road, amending by-law No. 3130	August 24th, 1894....	2,121 81	.....	2,121 81	7	4
3275	Sewer on lane north of Elm street from Teraulay street to its eastern terminus, amending by-law No. 3126	"	141 88	.....	141 88	4	4
3276	Sidewalks, amending by-laws 2857, 2858, 3044, 3053, 3125, 3129 and 3239	"	.....	.....	.....	.....	.....
3290	Roadway on King street from Strachan avenue to Armour street	January 18th, 1895 ..	1,050 00	.....	1,050 00	2	4
3291	Roadway on lane off Toronto street, in rear of the Inland Revenue offices	" ..	1,066 19	.....	1,066 19	8	4
3292	Roadway on Bleeker street from Carlton street to Wellesley street	" ..	11,638 53	.....	11,638 53	8	4

List of By-laws—*Continued.*

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3293	Roadway on Hoskin avenue from St. George street to Queen's Park crescent drive	January 18th, 1895	13,075 62		13,075 62	10	4
3294	Roadway on Queen street from Yonge street to River street	"	59,929 49		59,929 49	10	4
3295	Roadway on Carlton street from Jarvis street to Sherbourne street	"	6,140 81		6,140 81	10	4
3296	Pavements on 7 several streets	"	7,697 51		7,697 51	5	4
3297	Sewers on 6 several streets	"	8,505 92		8,505 92	various	4
3298	Sidewalks on 93 several streets	"	17,199 27		17,199 27	2	4
3068	Consolidating broken amounts in several local improvement by-laws	May 23rd, 1892	689,684 62		689,684 62	1 to 10	4
3301	Consolidating City's share of several local improvement by-laws	January 18th, 1895	128,567 03	128,567 03		various	4
3302	Consolidating broken amounts in several local improvement by-laws	"	45,208 37	45,208 37		various	4
3261	Consolidated loan debentures	June 18th, 1894	624,500 00	624,500 00		35	$3\frac{1}{2}$

No. 35.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act respecting the City of Toronto.

First Reading, 1895.

(Private Bill.)

Mr. CRAWFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35.] **BILL.** [1895.

An Act respecting the City of Toronto.

WHEREAS the corporation of the City of Toronto by petition has prayed for special legislation in regard to the several matters hereinafter set forth ; and whereas it is expedient to grant the prayer of the said petition ; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Authority to contract with Toronto Railway Co. for haulage of scavengers' material.

1. Notwithstanding anything contained in the Act passed by the Legislature of the Province of Ontario in the 55th year of Her Majesty's reign, and chaptered 99, or any other Act of the said Legislature, the corporation of the city of Toronto is hereby authorized to enter into an agreement with the Toronto Railway Company to haul the material removed by the Scavenger department of the city of Toronto for a period of ten years, with the option of renewal for further periods of ten years or less, upon such terms as may be mutually agreed upon, and amongst others, that no percentage is to be payable to the city upon the price paid to the said company for such hauling.

52 V. c. 74, s. 5, amended.

Rate of interest on debentures.

2. Section 5 of chapter 74 of the Acts passed by the Legislature of the Province of Ontario in the 52nd year of Her Majesty's reign, is amended by striking out the words "three and a half" in the last line of said section, and by inserting the word "four" in lieu thereof ; and the said amendment is to apply at the option of the council of the corporation of the city of Toronto, to any by-laws passed during the year 1894 under the said Act, or in any previous year if the debentures thereunder have not issued, or to any debentures issued or to be issued thereunder, and the said council may amend any such by-laws passed during the year 1894 or previous years, whether submitted to the ratepayers or not, by making the rate of interest four per cent. instead of three and a half per cent. and by reducing the amount of debentures to be issued under such by-laws.

Regulating ferries.

☞ **3.** The municipal council of the city of Toronto may pass by-laws for licensing, regulating and governing ferries within the city and harbor of Toronto, and for establishing the rates

of ferriage to be taken thereon, and the license fee to be paid for each boat operating upon such ferry, and may in its discretion refuse such license for any ferry boat except ferry boats heretofore licensed and at present engaged in such ferry business so long as such ferry boats pass government inspection, but such by-laws shall contain the provision that no ferry boats not heretofore licensed shall receive a license unless classed A1½ according to the marine register.

Assent of Lieutenant-Governor.

4. No by-law passed under the last preceding section shall have effect until assented to by the Lieutenant-Governor in Council.

Rate of interest on Queen street subway.

5. The council of the corporation of the city of Toronto is hereby authorized to amend the by-law for borrowing $130,000, submitted to the ratepayers on the 20th day of October, 1894, to raise the money necessary for the widening of the Queen street subway, by making the rate of interest of the debentures thereunder four per cent. instead of three and a half per cent. and such further amendments to the by-law as may be necessary by reason of such change of the rate of interest therein and *the said council may*, notwithstanding the provisions of section 327 of *The Consolidated Municipal Act, 1892*, thereafter pass such by-law.

55 V. c. 42.

Local improvement by-laws confirmed.

6. (1) The by-laws of the corporation of the city of Toronto specified in schedule B hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed.

Proviso.

(2) Provided that nothing herein contained shall affect any right which the Canadian Pacific Railway Company has or would have but for this Act to have it declared that by-laws 3,244, 3,245 and 3,246 mentioned in Schedule B to this Act are invalid or not binding upon the said company.

Proviso.

(3) Provided further that nothing herein contained shall affect the right of the Land Security Company under the agreement made between the said company and others and the city of Toronto bearing date the 21st day of October, 1887, or otherwise independently of the said agreement in respect of the said by-laws 3,244, 3,245 and 3,246.

54 V. c. 82, amended.

7. The Act 54 Victoria chapter 82 is hereby amended by adding thereto the following section:

15. Nothing in this Act or in the by-law confirmed by section 12 thereof shall operate to prevent persons the assessments upon whose lands are hereby confirmed from obtaining against the city any relief to which but for the passing of this Act they would by law have been entitled at any time prior to the passing thereof.

SCHEDULE.

(Section 6.)

LIST OF BY-LAWS

Providing for the issue of Debentures passed by the Council of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3026	Grading of Kippendavie avenue from Queen street to the beach	February 15th, 1892..	4,198 29	.....	4,198 29	9	4
3092	Bryce Brothers asphaltic pavement on Spadina crescent and Russell street (to amend by-law No. 2862)	September 26th, 1892	217 78	.....	217 78	3	4
3126	Sewers on 24 several streets (as amended by by-law No. 3275)	April 10th, 1893	25,905 03	.....	25,905 03	various	4
3130	Pavements on 4 several streets (as amended by by-law No. 3274)	" 24th, 1893	4,802 35	.....	4,802 35	5 and 7	4
3154	Roadway on Bismarck avenue from Yonge street to Gwynne street (as amended by by-law No. 3221)	May 8th, 1893	1,268 60	.....	1,268 60	1	4
3177	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 2844 (and as amended by by-law 3220).....	June 19th, 1893	10,730 36	.....	10,730 36	10	4
3220	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 3177.....	March 5th, 1894	10,730 36	.....	10,730 36	10	4
3221	Roadway on Bismarck avenue from Yonge street to Gwynne street, amending by-law No. 3154.....	March 12th, 1894....	1,316 39	.....	1,316 39	4	4
3223	Pavements on 16 several streets	March 27th, 1894 ...	37,701 80	.....	37,701 80	various	4
3224	Sewers on 4 several streets	"	6,154 18	.....	6,154 18	5	4
3225	Roadway on King street from Sherbourne street to Simcoe street.....	"	40,896 30	.....	40,896 30	10	4

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3226	Roadway on Winchester street from Parliament street to Sumach street	March 27th, 1894	11,656 75		11,656 75	8	4
3227	Roadway on Earl street from Sherbourne street to its western terminus	"	4,133 80		4,133 80	5	4
3228	Roadway on Richmond street from Victoria street to Bay street	"	9,938 18		9,938 18	8	4
3229	Roadway on Czar street from Yonge street to North street	"	4,117 92		4,117 92	8	4
3230	Roadway on Linden street from Sherbourne street to Huntly street	"	4,750 88		4,750 88	8	4
3231	Roadway on Munn's lane from Wellington street to north terminus of lane	"	1,253 41		1,253 41	8	4
3233	Roadway on lane first south of Queen street from Tecumseh street to Niagara street	"	1,166 21		1,166 21	5	4
3234	Sidewalk on Victoria street, both sides, from King street to Adelaide street	"	1,318 59		1,318 59	8	4
3235	Sidewalk on Sherbourne street, east side, from Gerrard street to Wellesley street	"	2,978 97		2,978 97	8	4
3236	Sidewalk on Sherbourne street, west side, from Wilton avenue to Bloor street	"	4,627 17		4,627 17	7	4
3239	Sidewalks on 147 several streets	April 9th, 1894	25,797 38		25,797 38	2 and 6	4
3240	Extension of McMillan avenue from south end of same to Carlton street	April 23rd, 1894	6,973 54		6,973 54	5	4
3241	Extension of Goulding street from Markham street to Palmerston avenue	"	518 75		518 75	5	4
3242	Sewer on Dovercourt Road from Blair street to a point 200 feet north	"	321 91		321 91	5	4

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3243	Sewer on Glen road from Elm avenue to Maple avenue	April 23rd, 1894	694 19	.....	694 19	5	4
3246	Sidewalk on King street from King street subway to Dufferin street	"	389 81	.....	389 81	3	4
3248	Sewers on Lisgar, Blair and Armour streets from Queen street to King street	May 7th, 1894	1,996 62	.....	1,996 62	17	4
3262	Paving track allowance of Toronto Railway Company consolidating by-laws 3178, 3188, 3195, 3196 and 3197	June 18th, 1894	625,122 24	625,122 24	.....	10	4
3274	Roadway on Macpherson avenue from Rathnally avenue to Poplar Plains Road, amending by-law No. 3130	August 24th, 1894....	2,121 81	.....	2,121 81	7	4
3275	Sewer on lane north of Elm street from Teraulay street to its eastern terminus, amending by-law No. 3126	"	141 88	.....	141 88	4	4
3276	Sidewalks, amending by-laws 2857, 2858, 3044, 3053, 3125, 3129 and 3239	"	.....	.....	.....	.....	.....
3068	Consolidating broken amounts in several local improvement by-laws	May 23rd, 1892.....	689,684 62	.....	689,684 62	1 to 10	4
3261	Consolidated loan debentures	June 18th, 1894	624,500 00	624,500 00	.....	35	3½

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the City of Toronto.

First Reading, 15th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill).

Mr. CRAWFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35.] **BILL.** [1895.

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the City of Toronto by petition has prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to contract with Toronto Railway Co. for haulage of scavengers' material.

1. Notwithstanding anything contained in the Act passed by the Legislature of the Province of Ontario in the 55th year of Her Majesty's reign, and chaptered 99, or any other Act of the said Legislature, the corporation of the city of Toronto is hereby authorized to enter into an agreement with the Toronto Railway Company to haul the material removed by the Scavenger department of the city of Toronto for a period of ten years, with the option of renewal for further periods of ten years or less, upon such terms as may be mutually agreed upon, and amongst others, that no percentage is to be payable to the city upon the price paid to the said company for such hauling.

52 V. c. 74, s. 5, amended.

Rate of interest on debentures.

2. Section 5 of chapter 74 of the Acts passed by the Legislature of the Province of Ontario in the 52nd year of Her Majesty's reign, is amended by striking out the words "three and a half" in the last line of said section, and by inserting the word "four" in lieu thereof; and the said amendment is to apply at the option of the council of the corporation of the city of Toronto, to any by-laws passed during the year 1894 under the said Act, or in any previous year if the debentures thereunder have not issued, or to any debentures issued or to be issued thereunder, and the said council may amend any such by-laws passed during the year 1894 or previous years, whether submitted to the ratepayers or not, by making the rate of interest four per cent. instead of three and a half per cent. and by reducing the amount of debentures to be issued under such by-laws.

Regulating ferries.

☞**3**. The municipal council of the city of Toronto may pass by-laws for licensing, regulating and governing ferries within the city and harbor of Toronto, and for establishing the rates of ferriage to be taken thereon, and the license fee to be paid for each boat operating upon such ferry, and may in its dis-

cretion refuse such license for any ferry boat except ferry boats heretofore licensed and at present engaged in such ferry business so long as such ferry boats pass government inspection, but such by-laws shall contain the provision that no ferry boats not heretofore licensed shall receive a license unless classed A1½ according to the marine register.

Assent of Lieutenant-Governor.

4. No by-law passed under the last preceding section shall have effect until assented to by the Lieutenant-Governor in Council.

Rate of interest on Queen street subway.

5. The council of the corporation of the city of Toronto is hereby authorized to amend the by-law for borrowing $130,000, submitted to the ratepayers on the 20th day of October, 1894, to raise the money necessary for the widening of the Queen street subway, by making the rate of interest of the debentures thereunder four per cent. instead of three and a half per cent. and such further amendments to the by-law as may be necessary by reason of such change of the rate of interest therein and *the said council may*, notwithstanding the provisions of section 327 of *The Consolidated Municipal Act, 1892*, thereafter pass such by-law.

55 V. c. 42.

Local improvement by-laws confirmed.

6. (1) The by-laws of the corporation of the city of Toronto specified in the schedule hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed.

Proviso.

(2) Provided that nothing herein contained shall affect any right which the Canadian Pacific Railway Company has or would have but for this Act to have it declared that by-laws 3,244, 3,245 and 3,246 mentioned in the schedule to this Act are invalid or not binding upon the said company.

Proviso.

(3) Provided further that nothing herein contained shall affect the right of the Land Security Company under the agreement made between the said company and others and the city of Toronto bearing date the 21st day of October, 1887, or otherwise independently of the said agreement in respect of the said by-laws 3,244, 3,245 and 3,246.

54 V. c. 82, amended.

7. The Act 54 Victoria chapter 82 is hereby amended by adding thereto the following section:

15. Nothing in this Act or in the by-law confirmed by section 12 thereof shall operate in the case of any by-law or by-laws for or in connection with the extension as a local improvement of Gladstone avenue to Hamilton street to prevent persons the assessments upon whose lands are hereby confirmed from obtaining against the city any relief to which but for the passing of this Act they would by law have been entitled at any time prior to the passing thereof.

Pending actions.

8. Nothing in section 6 of this Act shall prejudice or affect any action or proceeding now pending with reference to by-law No. 3,239 in the said schedule referred to.

SCHEDULE.

(Section 6.)

LIST OF BY-LAWS

Providing for the issue of Debentures passed by the Council of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
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3026	Grading of Kippendavie avenue from Queen street to the beach	February 15th, 1892..	4,198 29	.....	4,198 29	9	4
3092	Bryce Brothers asphaltic pavement on Spadina crescent and Russell street (to amend by-law No. 2862)	September 26th, 1892	217 78	.....	217 78	3	4
3126	Sewers on 24 several streets (as amended by by-law No. 3275)	April 10th, 1893	25,905 03	.....	25,905 03	various	4
3130	Pavements on 4 several streets (as amended by by-law No. 3274)	" 24th, 1893	4,802 35	.....	4,802 35	5 and 7	4
3154	Roadway on Bismarck avenue from Yonge street to Gwynne street (as amended by by-law No. 3221)	May 8th, 1893	1,268 60	.....	1,268 60	1	4
3177	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 2844 (and as amended by by-law 3220)	June 19th, 1893	10,730 36	.....	10,730 36	10	4
3220	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 3177	March 5th, 1894	10,730 36	.....	10,730 36	10	4
3221	Roadway on Bismarck avenue from Yonge street to Gwynne street, amending by-law No. 3154	March 12th, 1894....	1,316 39	.....	1,316 39	4	4
3223	Pavements on 16 several streets	March 27th, 1894 ...	37,701 80	.....	37,701 80	various	4
3224	Sewers on 4 several streets	"	6,154 18	.....	6,154 18	5	4
3225	Roadway on King street from Sherbourne street to Simcoe street	"	40,896 30	.....	40,896 30	10	4

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3226	Roadway on Winchester street from Parliament street to Sumach street	March 27th, 1894....	11,656 75	.....	11,656 75	8	4
3227	Roadway on Earl street from Sherbourne street to its western terminus	"	4,133 80	.....	4,133 80	5	4
3228	Roadway on Richmond street from Victoria street to Bay street	"	9,938 18	.....	9,938 18	8	4
3229	Roadway on Czar street from Yonge street to North street	"	4,117 92	.....	4,117 92	8	4
3230	Roadway on Linden street from Sherbourne street to Huntly street	"	4,750 88	.....	4,750 88	8	4
3231	Roadway on Munn's lane from Wellington street to north terminus of lane	"	1,253 41	.....	1,253 41	8	4
3233	Roadway on lane first south of Queen street from Tecumseh street to Niagara street	"	1,166 21	.....	1,166 21	5	4
3234	Sidewalk on Victoria street, both sides, from King street to Adelaide street	"	1,318 59	.....	1,318 59	8	4
3235	Sidewalk on Sherbourne street, east side, from Gerrard street to Wellesley street	"	2,978 97	.....	2,978 97	8	4
3236	Sidewalk on Sherbourne street, west side, from Wilton avenue to Bloor street	"	4,627 17	.....	4,627 17	7	4
3239	Sidewalks on 147 several streets	April 9th, 1894.....	25,797 38	.....	25,797 38	2 and 6	4
3240	Extension of McMillan avenue from south end of same to Carlton street	April 23rd, 1894	6,973 54	.....	6,973 54	5	4
3241	Extension of Goulding street from Markham street to Palmerston avenue	"	518 75	.....	518 75	5	4
3242	Sewer on Dovercourt Road from Blair street to a point 200 feet north	"	321 91	.....	321 91	5	4

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			$ c.	$ c.	$ c.		per cent.
3243	Sewer on Glen road from Elm avenue to Maple avenue	April 23rd, 1894	694 19	.....	694 19	5	4
3246	Sidewalk on King street from King street subway to Dufferin street	"	389 81	.....	389 81	3	4
3248	Sewers on Lisgar, Blair and Armour streets from Queen street to King street	May 7th, 1894	1,996 62	.....	1,996 62	17	4
3262	Paving track allowance of Toronto Railway Company consolidating by-laws 3178, 3188, 3195, 3196 and 3197	June 18th, 1894	625,122 24	625,122 24	.....	10	4
3274	Roadway on Macpherson avenue from Rathnally avenue to Poplar Plains Road, amending by-law No. 3130	August 24th, 1894....	2,121 81	.....	2,121 81	7	4
3275	Sewer on lane north of Elm street from Teraulay street to its eastern terminus, amending by-law No. 3126	"	141 88	.....	141 88	4	4
3276	Sidewalks, amending by-laws 2857, 2858, 3044, 3053, 3125, 3129 and 3239	"	.....	.....	.....	.....	.....
3068	Consolidating broken amounts in several local improvement by-laws	May 23rd, 1892.....	689,684 62	.....	689,684 62	1 to 10	4
3261	Consolidated loan debentures	June 18th, 1894	624,500 00	624,500 00	.....	35	3½

No. 35.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the City of Toronto.

First Reading, 15th March, 1895.
Second Reading, 1st April, 1895.

(*Reprinted as amended by Committee of the Whole House.*)

(Private Bill).

Mr. CRAWFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 36.] BILL. [1895.

An Act respecting an agreement between the City of Stratford and the Grand Trunk Railway Company of Canada.

Preamble.

WHEREAS the city of Stratford and the Grand Trunk Railway Company of Canada have by their respective petitions prayed that an Act may be passed confirming and declaring legal and valid a certain agreement made the 4th day of February, 1895, by and between the corporation of the city of Stratford and the Grand Trunk Railway Company of Canada, which agreement is set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement confirmed.

1. The agreement set out in the schedule A to this Act is hereby confirmed and declared legal and valid for all purposes, and it shall be lawful for the corporation of the city of Stratford and the Grand Trunk Railway Company of Canada to do any and all acts necessary to carry out and give full effect to the said agreement in all respects and according to the spirit, true intent and meaning thereof.

SCHEDULE A.

This agreement made the fourth day of February in the year of our Lord one thousand eight hundred and ninety-five, by and between the corporation of the City of Stratford, hereinafter called "the city," of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called "the company," of the second part;

Whereas differences have arisen between the parties hereto as to what is the value of certain property belonging to the company in the city of Stratford for assessment purposes under *The Assessment Act of 1892* and the amendments thereto;

And whereas the said parties, for the purpose of avoiding litigation and expense, have agreed that for the next five years the sum to be paid yearly by the said company in full for all taxes, rates and assessments that may be levied upon their property in the said city of Stratford shall be the sum of

eight thousand and six hundred dollars, save for local or frontage taxes, rates or assessments where the company's property is benefited, but this does not include street watering ;

Therefore this agreement witnesseth that the said parties do hereby covenant, promise and agree each with the other as follows, that is to say :

1. The city covenants and agrees with the company that they will commute and fix for the next five years (inclusive of the year 1895) the rates and taxes to be paid by the said company to the said city, save for local or frontage rates, taxes or assessments where the company's property is benefited thereby, but this does not include street watering, for and in respect of all assessable property owned and occupied by the said company within the limits of said city at the sum of eight thousand six hundred dollars to be paid at the same time and upon the same terms as the taxes of the other ratepayers and to be subject in case of default to the same provisions and remedies for the collection thereof provided by *The Assessment Act of 1892* and any amendments thereto or any other Act or Acts now or to be in force with regard thereto. And the said city further agrees that the assessor shall be relieved from the necessity of making the declaration or oath with regard to the assessable value of the said company's property on his assessment roll for any of the said five years as required by section 49 of *The Assessment Act, 1892*, or any similar provision in any amending Act.

2. The company covenants and agrees with the city that they accept the commutation of the rates and taxes save for local or frontage rates, taxes or assessments where the company's property is benefited thereby, but this does not include street watering, on all their assessable property in Stratford at the sum of eight thousand six hundred dollars per year for the next five years (inclusive of the year 1895) and agree to pay the said sum at the same time and upon and subject to the same conditions and terms as the taxes of other ratepayers. and that in case of default that their property shall be subject to all the provisions and remedies for the collection of taxes as provided by *The Assessment Act of 1892* or any amendment thereto or any other Act or Acts now or to be in force with regard thereto. And the said company further agrees that notwithstanding any changes that may be made in the assessment laws of the Province or in the event of any judicial decision being given which would make it clear that the machinery and other fixtures and appliances used in the company's works at Stratford are not liable to assessment, they the said company will continue to pay the commuted rate of eight thousand six hundred dollars per year for the next five years, and covenant not to take any legal proceedings against the said city or any of its officers or to make any appeal against the assessment of their property in any one of the said five years.

3. The said parties further covenant and agree each with the other to join in any application to the Legislative Assembly of the Province of Ontario for an Act to be passed to ratify, confirm or legalize this agreement. The expense in obtaining the said Act to be paid by the company.

4. It is also agreed that this agreement shall not after said five years be used to the prejudice of either party in any question which may then be raised (if any) as to the assessable value of said property or any part thereof.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of }

(Sgd.) WM. DAVIDSON, Mayor.
[Seal.]
(Sgd.) R. R. LANG, City Clerk.

As to the execution by the City of Stratford,
M. S. DONOVAN.

The Grand Trunk Railway Company of Canada,
By L. J. SARGEANT, [Seal.]
General Manager.

No. 36.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting an agreement between the City of Stratford and the Grand Trunk Railway Company of Canada.

First Reading,

(Private Bill.)

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 37.] **BILL.** [1895.

An Act to incorporate the St. Thomas Radial Electric Railway Company.

Preamble.

WHEREAS, K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton and J. Stacey, all of the city of St. Thomas, in the county of Elgin, and Charles B. Hunt and Edward R. Cameron, both of the city of London, in the county of Middlesex, have prayed for an Act of incorporation under the name of "The St. Thomas Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the city of St. Thomas to the villages of Union, Sparta, Port Bruce and Port Stanley, in the county of Elgin; from the city of St. Thomas to the villages of Fingal, Wallacetown, Dutton, Bismarck and Rodney, in the said county of Elgin; from the city of St. Thomas to the town of Aylmer and the village of Port Burwell, in the said county of Elgin; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton, J. Stacey, Charles B. Hunt and Edward R. Cameron and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The St. Thomas Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron or steel railways to be operated by electricity, steam or compressed air, with double or single iron or steel tracks, from the city of St. Thomas to the villages of Union, Sparta, Port Bruce and Port Stanley, in the county of Elgin; from the city of St. Thomas to the villages of Fingal, Wallacetown, Dutton, Bismarck and Rodney, in the said county of Elgin; from the city of St. Thomas to the town of Aylmer and the village of Port Burwell, in the said county of Elgin; and the said railways or any of them may be carried

along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company, and may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring rights for electric lighting.

3. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act, authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same.

Gauge.

4. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

5. The said K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton, J. Stacey, Charles B. Hunt and Edward R. Cameron, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift

made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of London, in the county of Middlesex, or at such other place as may best suit the interest of the said company. Rev. Stat., c. 170.

Capital stock.

7. The capital stock of the company hereby incorporated shall be $500,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railways, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock. Rev. Stat., c. 170.

Subscriptions for stock, when binding.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First election of directors.

9. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' of such meeting in *The Ontario Gazette* and in at least one newspaper published in the said city of St. Thomas, of the time, place and purpose of the said meeting.

Number of directors and quorum.

10 At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 170.

Head office, general annual meeting.

11. The head office of the said company shall be at the said city of St. Thomas, and the general annual meetings of the shareholders of the said company shall be held in such place in the said city of St. Thomas or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said city of St. Thomas during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

13. No person shall be qualified to be elected a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or

plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized of such length as the company may, from time to time, see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Power to acquire lands.

15. The said company is hereby authorized to purchase lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpopse mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act; and provided also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Rights of aliens.

16. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricty.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Steam and Heating or for Supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Use of highways by company.

18. Wherever any of the said railways or their cars, carriages, engines, motors or machinery is, or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway, or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Crossing railways at grade.

19. Except in cities, towns and incorporated villages, the railway of any company (operated by steam) shall not be crossed or intersected by the railways of the company hereby incorporated at grade, except upon such terms as shall be determined by the railway committee.

Issue of debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same,

be delivered to three trustees to be named, one by the Lieutenant-Governor in council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise become incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in council.

Trusts of proceeds of debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The St. Thomas Radial Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

22. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, company or companies, for the purpose of obtaining the right to run its rolling stock upon the tracks of said other person or persons, company or

companies and for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the rails, tracks sidings, electric motors, carriages, cars, rolling stock and other property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements with electric light companies.

24. The company shall have power to enter into an agreement or agreements with any electric light company, electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed.

Telegraph and telephone lines.

25. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Proviso.

Issue of bonds.

26. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Calls on stock.

27. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

28. The said directors or provisional directors may pay, or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in stock or bonds.

29. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Negotiable instruments.

30. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest, therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. Conveyances of land to company.

31. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railways. Mortgaging or pledging bonds.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 170.

Acquiring material for construction.

33. When stone, gravel, earth or sand is, or are required for the construction or maintenance of said railways or any part thereof, or whenever it may be necessary in the interests of the company to divert the railway from the highway and to construct the same over and upon the lands of any corporation or person adjoining the lines of the said railway, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required

Rev. Stat., c. 170.

Sidings to gravel pits.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right may be so acquired for

Rev. Stat. c. 170.

a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

35. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to railway.

36. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Gifts of lands.

37. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways. Aid from municipalities.

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Submitting bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V., c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto, as aforesaid.

55 V., c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concession, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders, in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

39. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty-years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against, sent from county.

40. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof, therefrom, and the

decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

41. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law submitted.

42. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

43. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

44. Within one month after the passing of such by-law the said council, and the mayor, warden, reeve or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rates on portion of municipality.

45. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Applications of provisions of 55 V., c. 42.

46. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

47. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

49. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of rateable property therein.

By-laws granting exemption from taxation.

50. It shall be lawful for the corporation of any municipality, through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

52. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Payment of back charges on goods.

53. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

54. The directors of the said company may enter into a contract or contracts with any individual or association or individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. Contracts for construction and equipment.

55. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the exrpession "this Act," when used herein, shall be understood to include the clauses of the said railway Act, and of every Act in amendment thereof, so incorporated with this Act. Application of provisions of Rev. Stat. c. 170.

56. The railways shall be commenced within two years, and completed to the extent of a through connection with either Union, Sparta, Port Bruce, Port Stanley, Fingal, Wallacetown, Dutton, Bismarck, Rodney, Aylmer and Port Burwell aforesaid within three years, and finally completed within five years after the passing of this Act. Commencement and completion of lines.

SCHEDULE A.

(Section 30.)

Know all men by these presents that I in consideration of dollars, paid to me by the "St. Thomas Radial Electric Railway Company," the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, , in consideration of dollars, paid to me by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel the same having been selected and laid out by the said company for the purpurpose of its railways, to hold with the appurtenances unto the said "The London Radial Electric Railway Company," their successors and assigns forever

and I, the wife of the said do hereby bar my dower in the said lands.

As witness my hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

SCHEDULE B.

(Section 21.)

Chief Engineer's Certificate.

The St. Thomas Radial Electric Railway Company's Office.
No. A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on The "St. Thomas Radial Electric Railway Municipal Trust Account," given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, Chief Engineer of the "St. Thomas Radial Electric Railway Company," do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of 18 , between the corporation of and the said company, to entitle the said company to receive from the said trust the sum of .

No. 37.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the St. Thomas Radial Electric Railway Company.

First Reading. 1895.

(Private Bill.)

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 37.] **BILL.** [1895.

An Act to incorporate the St. Thomas Radial Electric Railway Company.

Preamble. WHEREAS, K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton and J. Stacey, all of the city of St. Thomas, in the county of Elgin, and Charles B. Hunt and Edward R. Cameron, both of the city of London, in the county of Middlesex, have prayed for an Act of incorporation under the name of "The St. Thomas Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the city of St. Thomas to the villages of Union, Sparta, Port Bruce and Port Stanley, in the county of Elgin; from the city of St. Thomas to the villages of Fingal, Wallacetown, Dutton, Bismarck and Rodney, in the said county of Elgin; from the city of St. Thomas to the town of Aylmer and the village of Port Burwell, in the said county of Elgin; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. **1.** The said K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton, J. Stacey, Charles B. Hunt and Edward R. Cameron and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The St. Thomas Radial Electric Railway Company."

Location of lines. **2.** The said company is hereby authorized and empowered to survey, lay out, construct, *make*, complete, *alter and keep in repair* iron or steel railways to be operated by electricity, with double or single iron or steel tracks, from the city of St. Thomas to the villages of Union, Sparta, Port Bruce and Port Stanley, in the county of Elgin; from the city of St. Thomas to the villages of Fingal, Wallacetown, Dutton, Bismarck and Rodney, in the said county of Elgin; from the city of St. Thomas to the town of Aylmer and the village of Port Burwell, in the said county of Elgin; and the said railways or any of them *or any part thereof* may be carried along and

upon such *public* highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the corporations and road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Provisional directors.

3. The said K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton, J. Stacey, Charles B. Hunt and Edward R. Cameron, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of provisional directors.

4. All meetings of the provisional board of directors shall be held at the city of St. Thomas, in the county of Elgin or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $500,000, to be divided into 5,000 shares of $100 each.

Application of capital stock.

6. The said capital stock of the company of $500,000 shall be applied and appropriated towards the construction of the said railway in the following manner: $100,000 to the section or branch from St. Thomas by way of Union to Port Stanley; $200,000 to the section or branch from St. Thomas to Rodney by way of Fingal, Wallacetown, Dutton and West Lorne; and $200,000 to the balance of the railway. When and so soon as 25 per cent. of the authorised capital appropriated to any such section or branch has been subscribed and 10 per cent. of the same has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate at such time as they think proper, giving the notice prescribed by *The Electric Railway Act 1895*; at which meeting the shareholders who have paid at least 10 per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications in the said Act mentioned, elect seven persons to be directors of the said company.

Head.

7. The head office of the said company shall be at the said city of St. Thomas.

Issuing bonds and debentures.

8. The directors of the said company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $10,000 for each mile of the said railway; and no bonds or debentures shall be issued until 25 per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section; and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act 1895*.

Application of provisions of Rev. Stat. c. 170.

9. The several clauses of *The Electric Railway Act, 1895* and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *electric* railway Act, and of every Act in amendment thereof, so incorporated with this Act.

Commencement and completion of lines.

10. The railways shall be commenced within two years, and completed to the extent of a through connection with either Union, Sparta, Port Bruce, Port Stanley, Fingal, Wallacetown, Dutton, Bismarck, Rodney, Aylmer and Port Burwell aforesaid within three years, and finally completed within five years after the passing of this Act.

No. 37.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the St. Thomas Radial Electric Railway Company.

First Reading, 7th March, 1895.
Second Reading, 8th April, 1895.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.

Mr. MACNISH.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 38] **BILL.** [1895.

An Act to confer certain powers on the Trustees of the Will of the late John Lyons.

Preamble.

WHEREAS Joseph Gibson of the township of York in the county of York, Gentleman, and Thomas Ford of the city of Toronto in the said county of York, gentleman, surviving trustees and executors under the will of John Lyons, late of the said city of Toronto, have by their petition represented that the said John Lyons made and published his last will and testament as follows:

I, John Lyons, of the city of Toronto, in the county of York, in the Province of Ontario, gentleman, hereby declare this to be my last will and testament—I give, devise and bequeath all my real and personal estate unto my executors and executrix, hereinafter named, upon trust in the first place out of the rents issues and profits thereof to pay my dear wife Mary Ann Lyons the sum of one thousand dollars per annum for her maintenance and support during the term of her natural life, if she shall so long continue my widow, and after her decease or second marriage to allow Mary Ann Close, my niece by marriage, daughter of James Close of the county of Grey, to receive the rents, interests and profits of all my real estate, situate, lying and being in the city of Toronto aforesaid for and during the period of her natural life and after her death to convey the said real estate to her children upon their severally attaining the age of twenty-five years and from the time of her death until the youngest child shall attain the age of twenty-five years aforesaid, the rents, issues and profits are to be applied to their support, and to allow Isabella Watt, wife of Matthew Andrews, of the village of Yorkville, aforesaid, to receive all the rents, issues and profits arising from all my real estate, situate, lying and being in the said village of Yorkville for and during the term of her natural life and after her death to convey the said real estate in Yorkville aforesaid to her children, share and share alike, and after her death to apply the rents, issues and profits in the maintenance and support of her children until they severally shall attain the age of twenty-five years; all my real estate, situate, lying and being in the township of York to be sold by public auction at my death, the proceeds thereof to form part of my personal estate; all the rents, issues and profits arising from my real and personal

estate after the payment to my wife as aforesaid to form part of my personal estate; and after the death or marriage of my said wife to pay the rents, issues and profits arising from my personal estate semi-annually to the said Mary Ann Close and Isabella Watt Andrews during the period of their natural lives in equal portions and in case of the death of either of them, then the share of the one so dying shall be applied in the support of her child or children, if any, and if not, then to her heirs and after the death of both of them then one-half the said personal estate shall be paid to the children of the said Mary Ann Close, and if no child or children, then to her heirs and the other half to the child or children of the said Jane Watt Andrews, each child to be paid his or her share upon his, her or their attaining the age of twenty-five years respectively; I appoint my wife and Joseph Gibson, of the village of Yorkville aforesaid, grocer, and Thomas Ford of the city of Toronto aforesaid, cordwainer, to be executors and executrix and trustees of my will, but if my wife should marry again, she shall thereupon cease to be an executrix and trustee of my will which shall thenceforth take effect and be executed in like manner as if the said Joseph Gibson and Thomas Ford had been originally appointed the sole trustees and executors. Dated this eighteenth day of May, A.D. 1871.

(Signed), JOHN LYONS.

Signed by the said testator as his last will and testament in the presence of us present, at the same time, who, at his request, in his presence and in the presence of each other, have subscribed our names as witnesses.

(Signed), SAMUEL WICKSON, of the city of Toronto, solicitor.

(Signed), ALEX. BROWN, of the city of Toronto, baker.

And that the said testator died on or about the twenty-sixth day of May, 1871; and that probate of the said will was duly granted by the surrogate court of the county of York, on the eighth day of June, 1871, to the said Mary Ann Lyons, widow of the said John Lyons, since deceased, and the said petitioners Joseph Gibson and Thomas Ford; and that the said Mary Ann Close named in the said will, intermarried with one John C. Keighley of the said city of Toronto, accountant, who died on the third day of February, A.D. 1885, leaving him surviving the said Mary Ann Close or Keighley, his widow, and three children, Mary Walker Keighley, Maggie Robinson Keighley and Sarah Louise Keighley; and that the said Mary Ann Close or Keighley died on or about the seventh day of December, A.D. 1893, intestate and without having contracted any second marriage; and that letters of guardianship of the said children, now aged respectively twenty-one, eighteen and fifteen years, issued out of the surrogate court of the county of York, on the day of

A.D. 18 to William Walker Keighley, of Toronto aforesaid, merchant; and that the real estate mentioned in the said will as being in the city of Toronto and still remaining unsold in the hands of the said executors is composed of the following parcels of land, namely: Firstly, that parcel or tract of land in the said city of Toronto composed of part of the rear part of park lot number nine, described as follows: Commencing at the northeast angle of said park lot number nine, being the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street, then southerly along the westerly limit of Yonge street sixty-six feet, then westerly parallel to Bloor street one hundred and twenty feet, then northerly parallel to Yonge street, sixty-six feet, more or less, to the southerly limit of Bloor street, then easterly along the southerly limit of Bloor street, one hundred and twenty feet to the place of beginning; and secondly, that certain parcel or tract of land, situate in the said city of Toronto, containing seven thousand eight hundred square feet, more or less, composed of part of park lot number eight in the first concession from the bay, described as follows: Commencing at a point on the east side of Yonge street at the distance of ninety-five chains and forty-seven and twenty-eight thirty-third links on a course north sixteen degrees west from the southwest angle of the said park lot, then north sixteen degrees west sixty feet, then north seventyfour degrees east one hundred and thirty feet, thence south sixteen degrees east sixty feet, then south seventy-four degrees west one hundred and thirty feet to the place of beginning; and that the said firstly described parcel has become very valuable for buildings of a better class than the buildings at present on the property; and that upon the northerly thirty-seven feet of the said parcel firstly described, there is erected a rough-cast building, used for shops erected in the lifetime of the testator, and which has become old and has unavoidably deteriorated in value; and that the southerly twenty-nine feet of the said parcel firstly described is at present subject to lease, which will expire on the first of October, A.D. 1895, when, under the terms of the said lease, the lessee will have the right to remove the buildings at present on the property which do not belong to the estate; and that the ground rent at present payable in respect of this portion of the property is one hundred and five dollars per annum, and the said land is in danger of becoming unproductive and a charge on the estate if the trustees are unable to execute a proper building lease or leases of the same; and that the total income of the estate upon which the said children altogether depend for their support has been less than seven hundred and fifty dollars per annum, which said sum can be materially increased if the trustees were permitted to execute renewable building leases of the said lands; and that the trustees have had applications for building leases of the said lands and have accepted the offer of "The William Davies Company (Limited)," for the leasing of the north-

erly thirty-seven feet of the said firstly described parcel, subject to authority being conferred on them by the Legislative Assembly, and have entered into the agreement set out in schedule A hereto; and the trustees have therefore, with the consent and concurrence of the said children, and at the request and with the consent and concurrence of the said William Walker Keighley, their guardian, by their petition prayed for the enactments hereinafter contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees and executors empowered to make leases.

1. The said Joseph Gibson and Thomas Ford, as such executors and trustees aforesaid, or the survivor of them, and the person or persons or corporation from time to time legally administering the estate of the said John Lyons, or being trustee or trustees of the said estate, are hereby enabled and empowered, with the consent of the guardian for the time being of the said infants, and with the consent of such of the said infants as are at the time of making of any particular lease, of the full age of twenty-one years to give and grant good and valid leases of the said lands herein described, or any part thereof, for such terms of years, with such rights of renewal as they may see fit, reserving such rents as to them may seem right, and also such rights of re-entry and such other rights as to them may seem right, and to enter into any stipulations as to them may seem right as to the rights of renewal or purchase of the buildings by the persons entitled under the said will to the said property, and for settlement of the valuations of the buildings and improvements to be erected on said lands by arbitration, and all other stipulations usually contained in building leases.

Leases confirmed.

2. The said leases and all stipulations therein contained shall be binding upon all persons now or hereafter claiming any interest in the said lands or any part thereof, under the will of the said John Lyons, in the same way as if each and all of them had been capable of contracting and had contracted as in the said lease or leases may be set forth.

Schedule A confirmed.

3. The said executors are hereby authorized and empowered to execute the lease referred to in the agreement attached as schedule A hereto, and the said lease shall thereupon be valid and binding as if executed in pursuance of this Act.

SCHEDULE A.

Memorandum of agreement made in triplicate the sixth day of December, A.D. 1894, between Joseph Gibson of the township of York, in the county of York, gentleman, and Thomas Ford, of the city of Toronto, in the said county of York, gentleman, surviving trustees and executors of the estate of John Lyons, deceased, hereinafter called the trustees, of the first part, and "The William Davies Company (Limited)," hereinafter called the Company, of the second part.

Whereas John Lyons, of the city of Toronto, in the county of York, deceased, died on or about the twenty-sixth day of May, 1871, having first made his last will and testament, whereby he appointed Mary Ann Lyons, his widow, since deceased, and the trustees above named to be the trustees and executors of his said will, who proved the same in the surrogate office of the county of York, being the proper office in that behalf;

And whereas, as appears by an Act of the Legislative Assembly of the Province of Ontario, chaptered 99, of the Acts passed in the 48th year of Her Majesty's reign, wherein the said will is fully recited, the said John Lyons was seized at the time of his death of certain lands and premises at the southwest corner of Bloor and Yonge streets in the said city of Toronto;

And whereas the trustees have by a certain Indenture of Lease, dated the sixth day of December, 1894, in the words and figures following:

This indenture made (in quadruplicate) the sixth day of December, A.D. 1894, in pursuance of *The Act Respecting Short Forms of Leases*, between Joseph Gibson and Thomas Ford, surviving trustees and executors of the estate of John Lyons, deceased, hereinafter called " the lessors " of the first part, and " The William Davies Company of Toronto (Limited) " hereinafter called " the lessees," of the second part.

Witnesseth that in consideration of the rents, covenants and agreements hereinafter reserved and contained, to be paid, observed and performed by the said lessees, their successors and assigns, the said lessors have demised and leased and by these presents do demise and lease unto the said lessees all that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York known as street numbers 790, 792 and 794 Yonge street, including stores, dwellings and stables erected thereon and which may be more particularly described as follows:

All and singular that certain parcel or tract of land and premises, being part of park lot number 9 in the first concession from the bay, in the city of Toronto, which may be better known and described as follows: Commencing at the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street; thence southerly along the westerly limit of Yonge street, thirty-seven feet, more or less, to the

northerly face of a brick wall, being the northerly wall of the premises immediately south of those herein described ; thence westerly along the northerly face of the said wall and along the line of the same produced westerly, in all one hundred and twenty feet, more or less, to the easterly limit of a lane ; thence northerly parallel to Yonge street, along the easterly limit of said lane thirty-seven feet, more or less, to the southerly limit of Bloor street ; thence easterly along the southerly limit of Bloor street one hundred and twenty feet, more or less, to the point of commencement.

Together with a right of way over the lane in the rear of the said land to the lessees or their assigns, servants, workmen or agents for ingress, egress and regress for themselves, their servants, workmen and agents and any horses, carriages, drays or wagons they may desire to use the same.

Together with the appurtenances.

To have and to hold the said parcel or tract of land and premises hereby demised with the appurtenances unto the said lessees, their successors and assigns, for and during the term of ten years, to be computed from the first day of January, 1895, and from thenceforth next ensuing and fully to be complete and ended.

Yielding and paying therefor yearly and every year during the said term of ten years unto the said lessors the clear yearly rent or sum of seven hundred and forty dollars in four equal quarterly payments of one hundred and eighty-five dollars each, to be made on the first days of April, July, October and January in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1895.

The said lessees covenant with the said lessors to pay rent. And to pay taxes, local improvement rates and water rates. And to keep the said premises in as good repair as they are now in. And that the said lessors may enter and view state of repair. And will not assign or sublet without leave, provided that such leave shall not be arbitrarily or unreasonably withheld.

And the said lessees further covenant with the said lessors that they will insure and keep insured the said demised premises from loss or damage by fire in the joint names of the lessors and the lessees in the sum of fifteen hundred dollars and will pay all premiums and sums of money necessary for that purpose, and will whenever required produce to the lessors the policy of such insurance and the receipt for every such payment and will cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the said premises.

Provided always and it is hereby especially agreed by and between the said lessors and lessees that the said lessees may at any time after receiving possession of the demised premises and provided this lease has not expired, partially or entirely

pull down, remove and rebuild, repair, alter and improve the buildings at present on the property; and the said lessees may at any time during the currency of these presents build new buildings upon the said land, or any part of a new building or buildings on said land, and if the lessees deem it necessary they may build any wall or walls of any reasonable height running along the southerly limit of the demised premises from the westerly limit of Yonge street to the lane hereinbefore mentioned or on any other part of the land hereby demised without any let, hindrance or interruption of anyone whatsoever; but the lessees shall leave on the premises, buildings of at least the value of the buildings at present there, and nothing herein contained shall be construed to alter, annul or in any way prejudice or affect the covenant of the lessees to leave the demised premises in as good repair as they now are in.

The said lessees may at any time within two calendar months after the end or other termination of this lease, take, remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, safes, shelving, counters, upon or under the said premises, or anything in the nature of trade or tenant's fixtures or other movable things of the lessees; but the said lessees shall pay rent proportionately for such overtime and this provision as to payment of rent shall not extend to the assigns of the lessees.

Provided and it is further agreed and declared that if the terms hereby granted shall at any time be seized or taken in execution or in attachment by any creditor of the said lessees, or if the said lessees shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, or if an order shall be made for the winding up of the said Company the then current quarter's rent shall immediately become due and payable and the said term shall immediately become forfeited and void

Proviso for re-entry by the said lessors on non-payment of rent or on non-performance of covenants.

And the said lessors covenant with the said lessees for quiet enjoyment subject to the existing tenancies without any interruption or disturbance from the lessors, their executors or assigns, or any other persons lawfully claiming by, from or under them, or any other person or persons whomsoever; but it is expressly understood and agreed between the parties hereto that the lessees shall at their own costs and charges take all steps necessary to be taken to obtain possession of the demised premises from the present tenants and assume all the responsibility of procuring the cancellation or surrender of the existing leases or of making satisfactory arrangements with the present tenants; and whereas the lessees have agreed to pay the sum of $500 as a consideration to the present tenant, Honeysett, to obtain the cancellation or surrender of his lease, the lessors agree to assume payment of $300 of this amount, $150 to be retained by the lessees out of the first year's rent and $150 out of the second year's rent, quarterly.

Provided always and it is hereby agreed by and between the said lessors and lessees that wherever the words lessors and lessees or any words referring to the lessors or lessees occur in these presents the same shall be read as made on behalf of and as extending to and including the heirs, executors and administrators of the lessors and the successors and assigns of the lessees, except where otherwise specially provided.

In witness whereof the said lessors have hereunto set their hands and seals and the said lessees have hereunto set their corporate seal attested by the hand of the managing director.

Signed, sealed and delivered in the presence of (Signed) CHAS. PEARSON. } (Signed) J. W. FLAVELLE. [Seal.]

Demised and leased a portion of the lands mentioned in the said chapter 99 of the Acts passed in the 48th year of Her Majesty's reign by the Legislative Assembly of the Province of Ontario to the said Company:

And whereas the Company is desirous of obtaining a lease for a term of twenty-one years from the first day of January, 1895, with the privilege of obtaining perpetual renewals for further terms of twenty-one years on the provisos and conditions hereinafter set forth, and have offered to pay an increased rental for the last eleven years of the said term of twenty-one years so to be granted from the first day of January, 1895, the rental of future terms under said renewable lease to be fixed as hereinafter mentioned, which said offer the trustees are willing to accept if they can obtain power from the Legislative Assembly of the Province of Ontario to enable them so to lease the said trust estate:

Now this agreement witnesseth as follows:

1. The trustees agree to apply at the next or next subsequent session of the Legislative Assembly of the Province of Ontario for an Act enabling them to carry out this agreement, but in the event of such power being refused by the Legislative Assembly then this agreement shall be void and of no effect. All the ensuing clauses of this agreement shall be construed as subject to this clause.

2. In the event of such power being granted as aforesaid by the said Legislative Assembly, the said trustees agree to lease and the said Company agrees to take the lands and premises in the said lease hereinbefore recited under a lease to be made in pursuance of the Act respecting short forms of leases and of which the particulars shall be as follows:

To have and to hold the said premises hereinbefore mentioned with the appurtenances unto the said lessees for and during the term of twenty-one years to be computed from the first day of January, 1895, and renewable as hereinafter mentioned.

Yielding and paying therefor yearly and every year during the first ten years of the said term unto the said lessors

the clear yearly rent or sum of seven hundred and forty dollars ($740.00) in four equal quarterly payments of $185.00 each, to be made on the first days of April, July, October and January, in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1895.

And yielding and paying therefor yearly and every year during the last eleven years of said term unto the said lessors the clear yearly rent or sum of nine hundred and twenty-five dollars ($925.00) per annum in four equal quarterly payments of $231.25 each on the first days of April, July, October and January in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1905.

The said lessees covenant with the said lessors to pay rent. And to pay taxes, local improvement rates and water rates. And to repair. And that the said lessors may enter and view state of repair, and will not assign or sublet without leave, provided that such leave shall not be arbitrarily or unreasonably withheld.

And the said lessees further covenant with the said lessors that they will insure and keep insured the said demised premises from loss or damage by fire in the joint names of the lessors and the lessees in the sum of fifteen hundred dollars ($1,500.00), and will pay all premiums and sums of money necessary for that purpose, and will, whenever required, produce to the lessors the policy of such insurance and the receipt for every such payment, and will cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the said premises.

Provided always and it is hereby especially agreed by and between the said lessors and lessees that the said lessees may at any time after receiving possession of the demised premises and provided this lease has not expired, partially, or entirely pull down, remove and rebuild, repair, alter and improve the buildings at present on the property. And the said lessees may at any time during the currency of these presents erect new buildings upon the said land or any part of a new building or buildings on said land and if the lessees deem it necessary they may build any wall or walls of any reasonable height running along the southerly limit of the demised premises from the westerly limit of Yonge street to the lane hereinbefore mentioned or on any other part of the land hereby demised without any let, hindrance or interruption of anyone whatsoever; and nothing herein contained shall be construed to alter, annul or in any way prejudice or affect the covenant of the lessees to leave the demised premises in good repair.

The said lessees may at any time within two calendar months after the end or other termination of this lease, take,

remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, safes, shelving, counters, upon or under the said premises, or anything in the nature of trade or tenant's fixtures or other movable things of the lessees; but the said lessees shall pay rent proportionately for such overtime and this provision as to payment of rent shall not extend to the assigns of the lessees.

Provisos for re-entry by the said lessors on non-payment of rent or non-performance of covenants.

And the said lessors covenant with the said lessees for quiet enjoyment without any interruption or disturbance from the lessors or any other person lawfully claiming by, from or under them, or any other person or persons whomsoever.

The said lessees or the occupant or occupants, tenant or tenants of the said demised premises from time to time shall not nor will at any time during the said term permit any occupancy of the buildings now or hereafter erected on the said lands or any part of the same which shall in any way be deemed a nuisance or which shall be contrary to the provisions of any local or municipal by-law, or carry on or permit or suffer to be carried on within such buildings any trade or business which shall in any way be deemed a nuisance or which shall be contrary to the provisions of any local or municipal by-law.

The said company agreed to do, erect, continue and maintain or cause to be done, erected, continued and maintained improvements or buildings on the premises of the value of fifteen hundred dollars ($1,500) at least, and the said company further agrees that in the case of the destruction of the buildings on the property, to erect, continue and maintain or cause to be erected, continued and maintained, and from time to time if destroyed, replace buildings and improvements on the property of the value of five thousand dollars ($5,000) at least and if the said company shall not do, erect, continue and maintain or cause to be done, erected, continued and maintained said improvements and buildings, then it shall be lawful for the said trustees, their successors and assigns or agents if they think fit to re-enter on the said piece of ground and resume possession thereof as of their former estate.

Provided always and it is hereby agreed by and between the said lessors and lessees that immediately on the expiration of the said term of twenty-one years and of each successive future term of twenty-one years (the lessees not then being in default under any covenant herein contained, and no notice of exercising the option to terminate the tenancy as hereinafter provided, having been given as hereinafter provided,) they, the said lessors, will on payment by the lessees of the drafting and engrossment of such lease, grant another lease of the said hereby demised premises with the appurtenances, containing the like covenants, conditions, provisos and agreements as are in this lease contained and expressed (including this covenant for renewal), except as to the amount of rent; the amount of such

rent to be such as the parties may agree upon, or in default of agreement as may be determined and declared by two arbitrators to be named and appointed, one of them by the said lessors, the other by the said lessees, with power to them, the said arbitrators, to name and call in the third if they cannot agree. In case one party nominates an arbitrator and gives notice thereof in writing to the other, and in case such other does not within two weeks after the giving of such notice nominate an arbitrator, the party which gave such notice may, upon notice to the other party, apply to a judge of a superior court of record to nominate an arbitrator for the party in default, and such judge is hereby empowered to do so. In case the two arbitrators do not within two weeks after their nomination nominate the third, either party may, upon notice to the other, apply to such judge to nominate such third arbitrator, and such judge is hereby empowered to do so. In case an arbitrator after being nominated dies or refuses or becomes unable to act, the party or arbitrators who nominated him shall nominate an arbitrator in his stead within two weeks after such death, refusal or inability, and in default thereof either party may, on notice to the other, apply to such judge to nominate such arbitrator, and such judge is hereby empowered to do so. In case an arbitrator nominated by such judge dies or refuses or becomes unable to act, either party may, on notice to the other, apply to such judge to nominate an arbitrator in his stead, and such judge is hereby empowered to do so. Upon such valuation and appraisement the amount of such rent shall be calculated as ground rent for the parcel of land demised, and the value of any buildings, tenements, houses or erections thereon beyond the sum of $1,500, being the value of the buildings existing on the premises at the date of this demise, is not to be considered in any wise in making the said appraisement or award.

Provided always and it is hereby specially agreed by and between the lessors and lessees, notwithstanding anything in these presents elsewhere provided, that it shall be optional with the lessors to decline to make, and for the lessees to decline to take any such renewal for a second or any successive future term of twenty-one years; but in order to exercise the option to decline renewal it shall be necessary for the parties intending to exercise the option to give to the other parties, or leave at their last known place of abode, a notice in writing of such intention at least three calendar months before the expiration of the said term of twenty-one years hereby granted, or of any successive future term to be granted as hereby provided; and in case of the exercise of such option it is hereby expressly covenanted, declared and agreed by and between the parties hereto and their respective representatives that all the buildings, houses and erections placed, erected and being on said premises at the expiration of any such term of twenty-one years, (and which exceed in value the sum of $1,500,) shall be duly valued and

appraised by arbitrators named and appointed on behalf of each party as above particularly mentioned, with power to them to name, refer to and call in a third person should they not agree as above mentioned, such valuation, appraisement or award shall fix the value under the conditions aforesaid.

And the said lessors covenant, promise and agree to and with the said lessees that they or some one of them will pay to the said lessees the full sum of money so to be fixed by said appraisers as the value and every compensation for said houses, buildings and erections on the said hereby demised premises, (which exceed the said sum of $1,500,) then standing and being within one calendar month after such valuation ascertained and declared as aforesaid, the renewal for a future term having been duly declined to be made by the said lessors or duly refused to be accepted by the said lessees.

And it is hereby declared to be the true intention and meaning of these presents and as hereby expressed and agreed upon by and between the parties hereto, that at the end of the hereby granted term of twenty-one years and also at the end of any further renewed term of twenty-one years so to be granted as aforesaid, the said lessors shall grant a renewed term or lease of twenty-one years of the said hereby demised premises and so on for ever, ascertaining the amount of rent to be paid during the said renewed term by appraisement or arbitration as hereinbefore provided, and always estimating the amount of rent as ground rent and exclusive and independent of all buildings and improvements thereon erected, (except to the extent of $1,500 as aforesaid) then put, placed and being, until the said lessors elect to determine these presents or the said lessees decline to accept any renewal thereof, and of such intention notice shall be given as aforesaid, in which event the lessors shall pay within the term above limited at the expiration of any such term for all such buildings, erections and improvements as may be put, placed, erected and then being thereon, (exceeding the said sum of $1,500 hereinbefore mentioned,) at the appraised value to be ascertained and estimated by arbitrators in the manner hereinbefore provided.

The award or valuation of the three arbitrators or any two of them shall be final and binding, and such award or valuation shall be made in writing and published to the parties within twenty days after the end of the term hereby granted, but the arbitrators or a majority of them or the judge hereinbefore mentioned may, after notice to the parties, enlarge the time for making such award, and for the further and better enforcement of such award or valuation the submission herein contained may be made the rule of any superior court of original jurisdiction.

One half of the costs and charges of and incidental to any valuation or arbitration under the terms hereof, save fees to solicitors and counsel, shall be borne by the lessors and the other half by the lessees.

Provided always and it is also hereby agreed by and between the said lessors and lessees that wherever the words "lessors" and "lessees" or any word referring to lessors or lessees occur in these presents, the same shall be read as made on the behalf of and as extending to and includiug the successors and assigns of the lessees, and the heirs, executors, administrators and assigns of the lessors as the case may be.

3. The said company will accept a lease of the said premises for the term at the rent and subject to the covenants and conditions hereinbefore expressed, and will execute the same in triplicate, and will pay one-half the lessors' costs of and incidental to the preparation and execution of the said agreement, and of the preparation, execution and registration of the said lease, and immediately upon the execution and delivery of the last mentioned lease in triplicate, the same shall take the place of the above firstly mentioned lease for the term of ten years, and the said firstly mentioned lease for the term of ten years shall thereupon be absolutely null and void and of no effect, except as to the clause providing for repayment of the sum of $300 paid by the company as rent in advance to the executors on their behalf to Honeysett, which said clause is to remain in full force until the said sum of $300.00 is repaid to the company by the executors.

In witness whereof the said lessors have hereunto set their hands and seals, and the said lessees have hereunto set their corporate seal attested by the hand of the managing director.

Signed sealed and delivered }
in the presence of }
(Sgd.) CHAS. PEARSON,
(Sgd,) J. D. SPENCE,
As to signatures
of JOSEPH GIBSON and
THOMAS FORD.

(Sgd.) THE WILLIAM DAVIES CO. (LTD.)
per J. W. FLAVELLE,
Managing Director.
[Seal.]
(Sgd.) JOSEPH GIBSON,
[Seal.]
(Sgd.) THOS. FORD,
[Seal.]

No. 38.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to confer certain powers on the Trustees of the Will of the late John Lyons.

First Reading, 1895.

(Private Bill.)

Mr. MARTER.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 38.] BILL. [1895.

An Act to confer certain powers on the Trustees of the Will of the late John Lyons.

Preamble.

WHEREAS Joseph Gibson of the township of York in the county of York, Gentleman, and Thomas Ford of the city of Toronto in the said county of York, gentleman, surviving trustees and executors under the will of John Lyons, late of the said city of Toronto, have by their petition represented that the said John Lyons made and published his last will and testament as follows:

I, John Lyons, of the city of Toronto, in the county of York, in the Province of Ontario, gentleman, hereby declare this to be my last will and testament—I give, devise and bequeath all my real and personal estate unto my executors and executrix, hereinafter named, upon trust in the first place out of the rents issues and profits thereof to pay my dear wife Mary Ann Lyons the sum of one thousand dollars per annum for her maintenance and support during the term of her natural life, if she shall so long continue my widow, and after her decease or second marriage to allow Mary Ann Close, my niece by marriage, daughter of James Close of the county of Grey, to receive the rents, interests and profits of all my real estate, situate, lying and being in the city of Toronto aforesaid for and during the period of her natural life and after her death to convey the said real estate to her children upon their severally attaining the age of twenty-five years and from the time of her death until the youngest child shall attain the age of twenty-five years aforesaid, the rents, issues and profits are to be applied to their support, and to allow Isabella Watt, wife of Matthew Andrews, of the village of Yorkville, aforesaid, to receive all the rents, issues and profits arising from all my real estate, situate, lying and being in the said village of Yorkville for and during the term of her natural life and after her death to convey the said real estate in Yorkville aforesaid to her children, share and share alike, and after her death to apply the rents, issues and profits in the maintenance and support of her children until they severally shall attain the age of twenty-five years; all my real estate, situate, lying and being in the township of York to be sold by public auction at my death, the proceeds thereof to form part of my personal estate; all the rents, issues and profits arising from my real and personal

estate after the payment to my wife as aforesaid to form part of my personal estate; and after the death or marriage of my said wife to pay the rents, issues and profits arising from my personal estate semi-annually to the said Mary Ann Close and Isabella Watt Andrews during the period of their natural lives in equal portions and in case of the death of either of them, then the share of the one so dying shall be applied in the support of her child or children, if any, and if not, then to her heirs and after the death of both of them then one-half the said personal estate shall be paid to the children of the said Mary Ann Close, and if no child or children, then to her heirs and the other half to the child or children of the said Jane Watt Andrews, each child to be paid his or her share upon his, her or their attaining the age of twenty-five years respectively; I appoint my wife and Joseph Gibson, of the village of Yorkville aforesaid, grocer, and Thomas Ford of the city of Toronto aforesaid, cordwainer, to be executors and executrix and trustees of my will, but if my wife should marry again, she shall thereupon cease to be an executrix and trustee of my will which shall thenceforth take effect and be executed in like manner as if the said Joseph Gibson and Thomas Ford had been originally appointed the sole trustees and executors. Dated this eighteenth day of May, A.D. 1871.

(Signed), JOHN LYONS.

Signed by the said testator as his last will and testament in the presence of us present, at the same time, who, at his request, in his presence and in the presence of each other, have subscribed our names as witnesses.

(Signed), SAMUEL WICKSON, of the city of Toronto, solicitor.

(Signed), ALEX. BROWN, of the city of Toronto, baker.

And that the said testator died on or about the twenty-sixth day of May, 1871; and that probate of the said will was duly granted by the surrogate court of the county of York, on the eighth day of June, 1871, to the said Mary Ann Lyons, widow of the said John Lyons, since deceased, and the said petitioners Joseph Gibson and Thomas Ford; and that the said Mary Ann Close named in the said will, intermarried with one John C. Keighley of the said city of Toronto, accountant, who died on the third day of February, A.D. 1885, leaving him surviving the said Mary Ann Close or Keighley, his widow, and three children, Mary Walker Keighley, Maggie *Robbins* Keighley and Sarah Louise Keighley; and that the said Mary Ann Close or Keighley died on or about the seventh day of December, A.D. 1893, intestate and without having contracted any second marriage; and that the said children *are* now aged respectively twenty-one, eighteen and fifteen years, and that letters of guardianship of the two younger children Maggie Robbins Keighley and Sarah Louise Keighley issued out of the surrogate court of the county of York, on the *twelfth* day of *March*.

A.D. 1895, to William Walker Keighley, of Toronto aforesaid, merchant; and that the real estate mentioned in the said will as being in the city of Toronto and still remaining unsold in the hands of the said executors is composed of the following parcels of land, namely: Firstly, that parcel or tract of land in the said city of Toronto composed of part of the rear part of park lot number nine, described as follows: Commencing at the northeast angle of said park lot number nine, being the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street, then southerly along the westerly limit of Yonge street sixty-six feet, then westerly parallel to Bloor street one hundred and twenty feet, then northerly parallel to Yonge street, sixty-six feet, more or less, to the southerly limit of Bloor street, then easterly along the southerly limit of Bloor street, one hundred and twenty feet to the place of beginning; and secondly, that certain parcel or tract of land, situate in the said city of Toronto, containing seven thousand eight hundred square feet, more or less, composed of part of park lot number eight in the first concession from the bay, described as follows: Commencing at a point on the east side of Yonge street at the distance of ninety-five chains and forty-seven and twenty-eight thirty-third links on a course north sixteen degrees west from the southwest angle of the said park lot, then north sixteen degrees west sixty feet, then north seventyfour degrees east one hundred and thirty feet, thence south sixteen degrees east sixty feet, then south seventy-four degrees west one hundred and thirty feet to the place of beginning; and that the said firstly described parcel has become very valuable for buildings of a better class than the buildings at present on the property; and that upon the northerly thirty-seven feet of the said parcel firstly described, there is erected a rough-cast building, used for shops erected in the lifetime of the testator, and which has become old and has unavoidably deteriorated in value; and that the southerly twenty-nine feet of the said parcel firstly described is at present subject to lease, which will expire on the first of October, A.D. 1895, when, under the terms of the said lease, the lessee will have the right to remove the buildings at present on the property which do not belong to the estate; and that the ground rent at present payable in respect of this portion of the property is one hundred and five dollars per annum, and the said land is in danger of becoming unproductive and a charge on the estate if the trustees are unable to execute a proper building lease or leases of the same; and that the total income of the estate upon which the said children altogether depend for their support has been less than seven hundred and fifty dollars per annum, which said sum can be materially increased if the trustees were permitted to execute renewable building leases of the said lands; and that the trustees have had applications for building leases of the said lands and have accepted the offer of "The William Davies Company (Limited)," for the leasing of the north-

erly thirty-seven feet of the said firstly described parcel, subject to authority being conferred on them by the Legislative Assembly, and have entered into the agreement set out in schedule A hereto; and the trustees have therefore, with the consent and concurrence of the said children, and at the request and with the consent and concurrence of the said William Walker Keighley, the guardian of the two younger children, by their petition prayed for the enactments hereinafter contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees and executors empowered to make leases.

1. The said Joseph Gibson and Thomas Ford, as such executors and trustees aforesaid, or the survivor of them, and the person or persons or corporation from time to time legally administering the estate of the said John Lyons, or being trustee or trustees of the said estate, are hereby enabled and empowered, with the consent *in writing* of the guardian for the time being of the said infants, and with the consent *in writing* of such of the said infants as are at the time of making of any particular lease, of the full age of twenty-one years to give and grant good and valid leases of the said lands herein described, or any part thereof, for such terms of years, with such rights of renewal as they may see fit, reserving such rents as to them may seem right, and also such rights of re-entry and such other rights as to them may seem right, and to enter into any stipulations as to them may seem right as to the rights of renewal or purchase of the buildings by the persons entitled under the said will to the said property, and for settlement of the valuations of the buildings and improvements to be erected on said lands by arbitration, and all other stipulations usually contained in building leases.

Leases confirmed.

2. The said leases and all stipulations therein contained shall be binding upon all persons now or hereafter claiming any interest in the said lands or any part thereof, under the will of the said John Lyons, in the same way as if each and all of them had been capable of contracting and had contracted as in the said lease or leases may be set forth.

Schedule A confirmed.

3. The said executors are hereby authorized and empowered to execute the lease referred to in the agreement attached as schedule A hereto, and the said lease shall thereupon be valid and binding as if executed in pursuance of this Act.

4. The powers hereby conferred are not to be exercised after the children of the said Mary Ann Close or Keighley have attained the age of twenty-five years, except in so far as may be requisite to carry out engagements made under leases executed before that time.

SCHEDULE A.

Memorandum of agreement made in triplicate the sixth day of December, A.D. 1894, between Joseph Gibson of the township of York, in the county of York, gentleman, and Thomas Ford, of the city of Toronto, in the said county of York, gentleman, surviving trustees and executors of the estate of John Lyons, deceased, hereinafter called the trustees, of the first part, and "The William Davies Company (Limited)," hereinafter called the Company, of the second part.

Whereas John Lyons, of the city of Toronto, in the county of York, deceased, died on or about the twenty-sixth day of May, 1871, having first made his last will and testament, whereby he appointed Mary Ann Lyons, his widow, since deceased, and the trustees above named to be the trustees and executors of his said will, who proved the same in the surrogate office of the county of York, being the proper office in that behalf;

And whereas, as appears by an Act of the Legislative Assembly of the Province of Ontario, chaptered 99, of the Acts passed in the 48th year of Her Majesty's reign, wherein the said will is fully recited, the said John Lyons was seized at the time of his death of certain lands and premises at the southwest corner of Bloor and Yonge streets in the said city of Toronto;

And whereas the trustees have by a certain Indenture of Lease, dated the sixth day of December, 1894, in the words and figures following:

This indenture made (in quadruplicate) the sixth day of December, A.D. 1894, in pursuance of *The Act Respecting Short Forms of Leases*, between Joseph Gibson and Thomas Ford, surviving trustees and executors of the estate of John Lyons, deceased, hereinafter called " the lessors " of the first part, and " The William Davies Company of Toronto (Limited) " hereinafter called " the lessees," of the second part.

Witnesseth that in consideration of the rents, covenants and agreements hereinafter reserved and contained, to be paid, observed and performed by the said lessees, their successors and assigns, the said lessors have demised and leased and by these presents do demise and lease unto the said lessees all that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York known as street numbers 790, 792 and 794 Yonge street, including stores, dwellings and stables erected thereon and which may be more particularly described as follows:

All and singular that certain parcel or tract of land and premises, being part of park lot number 9 in the first concession from the bay, in the city of Toronto, which may be better known and described as follows: Commencing at the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street; thence southerly along the westerly limit of Yonge street, thirty-seven feet, more or less, to the

northerly face of a brick wall, being the northerly wall of the premises immediately south of those herein described; thence westerly along the northerly face of the said wall and along the line of the same produced westerly, in all one hundred and twenty feet, more or less, to the easterly limit of a lane; thence northerly parallel to Yonge street, along the easterly limit of said lane thirty-seven feet, more or less, to the southerly limit of Bloor street; thence easterly along the southerly limit of Bloor street one hundred and twenty feet, more or less, to the point of commencement.

Together with a right of way over the lane in the rear of the said land to the lessees or their assigns, servants, workmen or agents for ingress, egress and regress for themselves, their servants, workmen and agents and any horses, carriages, drays or wagons they may desire to use the same.

Together with the appurtenances.

To have and to hold the said parcel or tract of land and premises hereby demised with the appurtenances unto the said lessees, their successors and assigns, for and during the term of ten years, to be computed from the first day of January, 1895, and from thenceforth next ensuing and fully to be complete and ended.

Yielding and paying therefor yearly and every year during the said term of ten years unto the said lessors the clear yearly rent or sum of seven hundred and forty dollars in four equal quarterly payments of one hundred and eighty-five dollars each, to be made on the first days of April, July, October and January in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1895.

The said lessees covenant with the said lessors to pay rent. And to pay taxes, local improvement rates and water rates. And to keep the said premises in as good repair as they are now in. And that the said lessors may enter and view state of repair. And will not assign or sublet without leave, provided that such leave shall not be arbitrarily or unreasonably withheld.

And the said lessees further covenant with the said lessors that they will insure and keep insured the said demised premises from loss or damage by fire in the joint names of the lessors and the lessees in the sum of fifteen hundred dollars and will pay all premiums and sums of money necessary for that purpose, and will whenever required produce to the lessors the policy of such insurance and the receipt for every such payment and will cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the said premises.

Provided always and it is hereby especially agreed by and between the said lessors and lessees that the said lessees may at any time after receiving possession of the demised premises and provided this lease has not expired, partially or entirely

pull down, remove and rebuild, repair, alter and improve the buildings at present on the property; and the said lessees may at any time during the currency of these presents build new buildings upon the said land, or any part of a new building or buildings on said land, and if the lessees deem it necessary they may build any wall or walls of any reasonable height running along the southerly limit of the demised premises from the westerly limit of Yonge street to the lane hereinbefore mentioned or on any other part of the land hereby demised without any let, hindrance or interruption of anyone whatsoever; but the lessees shall leave on the premises, buildings of at least the value of the buildings at present there, and nothing herein contained shall be construed to alter, annul or in any way prejudice or affect the covenant of the lessees to leave the demised premises in as good repair as they now are in.

The said lessees may at any time within two calendar months after the end or other termination of this lease, take, remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, safes, shelving, counters, upon or under the said premises, or anything in the nature of trade or tenant's fixtures or other movable things of the lessees; but the said lessees shall pay rent proportionately for such overtime and this provision as to payment of rent shall not extend to the assigns of the lessees.

Provided and it is further agreed and declared that if the terms hereby granted shall at any time be seized or taken in execution or in attachment by any creditor of the said lessees, or if the said lessees shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, or if an order shall be made for the winding up of the said Company the then current quarter's rent shall immediately become due and payable and the said term shall immediately become forfeited and void

Proviso for re-entry by the said lessors on non-payment of rent or on non-performance of covenants.

And the said lessors covenant with the said lessees for quiet enjoyment subject to the existing tenancies without any interruption or disturbance from the lessors, their executors or assigns, or any other persons lawfully claiming by, from or under them, or any other person or persons whomsoever; but it is expressly understood and agreed between the parties hereto that the lessees shall at their own costs and charges take all steps necessary to be taken to obtain possession of the demised premises from the present tenants and assume all the responsibility of procuring the cancellation or surrender of the existing leases or of making satisfactory arrangements with the present tenants; and whereas the lessees have agreed to pay the sum of $500 as a consideration to the present tenant, Honeysett, to obtain the cancellation or surrender of his lease, the lessors agree to assume payment of $300 of this amount, $150 to be retained by the lessees out of the first year's rent and $150 out of the second year's rent, quarterly.

Provided always and it is hereby agreed by and between the said lessors and lessees that wherever the words lessors and lessees or any words referring to the lessors or lessees occur in these presents the same shall be read as made on behalf of and as extending to and including the heirs, executors and administrators of the lessors and the successors and assigns of the lessees, except where otherwise specially provided.

In witness whereof the said lessors have hereunto set their hands and seals and the said lessees have hereunto set their corporate seal attested by the hand of the managing director.

Signed, sealed and delivered in the presence of (Signed) CHAS. PEARSON. } (Signed) J. W. FLAVELLE. [Seal.]

Demised and leased a portion of the lands mentioned in the said chapter 99 of the Acts passed in the 48th year of Her Majesty's reign by the Legislative Assembly of the Province of Ontario to the said Company:

And whereas the Company is desirous of obtaining a lease for a term of twenty-one years from the first day of January, 1895, with the privilege of obtaining perpetual renewals for further terms of twenty-one years on the provisos and conditions hereinafter set forth, and have offered to pay an increased rental for the last eleven years of the said term of twenty-one years so to be granted from the first day of January, 1895, the rental of future terms under said renewable lease to be fixed as hereinafter mentioned, which said offer the trustees are willing to accept if they can obtain power from the Legislative Assembly of the Province of Ontario to enable them so to lease the said trust estate:

Now this agreement witnesseth as follows:

1. The trustees agree to apply at the next or next subsequent session of the Legislative Assembly of the Province of Ontario for an Act enabling them to carry out this agreement, but in the event of such power being refused by the Legislative Assembly then this agreement shall be void and of no effect. All the ensuing clauses of this agreement shall be construed as subject to this clause.

2. In the event of such power being granted as aforesaid by the said Legislative Assembly, the said trustees agree to lease and the said Company agrees to take the lands and premises in the said lease hereinbefore recited under a lease to be made in pursuance of the Act respecting short forms of leases and of which the particulars shall be as follows:

To have and to hold the said premises hereinbefore mentioned with the appurtenances unto the said lessees for and during the term of twenty-one years to be computed from the first day of January, 1895, and renewable as hereinafter mentioned.

Yielding and paying therefor yearly and every year during the first ten years of the said term unto the said lessors

the clear yearly rent or sum of seven hundred and forty dollars ($740.00) in four equal quarterly payments of $185.00 each, to be made on the first days of April, July, October and January, in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1895.

And yielding and paying therefor yearly and every year during the last eleven years of said term unto the said lessors the clear yearly rent or sum of nine hundred and twenty-five dollars ($925.00) per annum in four equal quarterly payments of $231.25 each on the first days of April, July, October and January in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1905.

The said lessees covenant with the said lessors to pay rent. And to pay taxes, local improvement rates and water rates. And to repair. And that the said lessors may enter and view state of repair, and will not assign or sublet without leave, provided that such leave shall not be arbitrarily or unreasonably withheld.

And the said lessees further covenant with the said lessors that they will insure and keep insured the said demised premises from loss or damage by fire in the joint names of the lessors and the lessees in the sum of fifteen hundred dollars ($1,500.00), and will pay all premiums and sums of money necessary for that purpose, and will, whenever required, produce to the lessors the policy of such insurance and the receipt for every such payment, and will cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the said premises.

Provided always and it is hereby especially agreed by and between the said lessors and lessees that the said lessees may at any time after receiving possession of the demised premises and provided this lease has not expired, partially, or entirely pull down, remove and rebuild, repair, alter and improve the buildings at present on the property. And the said lessees may at any time during the currency of these presents erect new buildings upon the said land or any part of a new building or buildings on said land and if the lessees deem it necessary they may build any wall or walls of any reasonable height running along the southerly limit of the demised premises from the westerly limit of Yonge street to the lane hereinbefore mentioned or on any other part of the land hereby demised without any let, hindrance or interruption of anyone whatsoever; and nothing herein contained shall be construed to alter, annul or in any way prejudice or affect the covenant of the lessees to leave the demised premises in good repair.

The said lessees may at any time within two calendar months after the end or other termination of this lease, take,

remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, safes, shelving, counters, upon or under the said premises, or anything in the nature of trade or tenant's fixtures or other movable things of the lessees; but the said lessees shall pay rent proportionately for such overtime and this provision as to payment of rent shall not extend to the assigns of the lessees.

Provisos for re-entry by the said lessors on non-payment of rent or non-performance of covenants.

And the said lessors covenant with the said lessees for quiet enjoyment without any interruption or disturbance from the lessors or any other person lawfully claiming by, from or under them, or any other person or persons whomsoever.

The said lessees or the occupant or occupants, tenant or tenants of the said demised premises from time to time shall not nor will at any time during the said term permit any occupancy of the buildings now or hereafter erected on the said lands or any part of the same which shall in any way be deemed a nuisance or which shall be contrary to the provisions of any local or municipal by-law, or carry on or permit or suffer to be carried on within such buildings any trade or business which shall in any way be deemed a nuisance or which shall be contrary to the provisions of any local or municipal by-law.

The said company agreed to do, erect, continue and maintain or cause to be done, erected, continued and maintained improvements or buildings on the premises of the value of fifteen hundred dollars ($1,500) at least, and the said company further agrees that in the case of the destruction of the buildings on the property, to erect, continue and maintain or cause to be erected, continued and maintained, and from time to time if destroyed, replace buildings and improvements on the property of the value of five thousand dollars ($5,000) at least and if the said company shall not do, erect, continue and maintain or cause to be done, erected, continued and maintained said improvements and buildings, then it shall be lawful for the said trustees, their successors and assigns or agents if they think fit to re-enter on the said piece of ground and resume possession thereof as of their former estate.

Provided always and it is hereby agreed by and between the said lessors and lessees that immediately on the expiration of the said term of twenty-one years and of each successive future term of twenty-one years (the lessees not then being in default under any covenant herein contained, and no notice of exercising the option to terminate the tenancy as hereinafter provided, having been given as hereinafter provided,) they, the said lessors, will on payment by the lessees of the drafting and engrossment of such lease, grant another lease of the said hereby demised premises with the appurtenances, containing the like covenants, conditions, provisos and agreements as are in this lease contained and expressed (including this covenant for renewal), except as to the amount of rent; the amount of such

rent to be such as the parties may agree upon, or in default of agreement as may be determined and declared by two arbitrators to be named and appointed, one of them by the said lessors, the other by the said lessees, with power to them, the said arbitrators, to name and call in the third if they cannot agree. In case one party nominates an arbitrator and gives notice thereof in writing to the other, and in case such other does not within two weeks after the giving of such notice nominate an arbitrator, the party which gave such notice may, upon notice to the other party, apply to a judge of a superior court of record to nominate an arbitrator for the party in default, and such judge is hereby empowered to do so. In case the two arbitrators do not within two weeks after their nomination nominate the third, either party may, upon notice to the other, apply to such judge to nominate such third arbitrator, and such judge is hereby empowered to do so. In case an arbitrator after being nominated dies or refuses or becomes unable to act, the party or arbitrators who nominated him shall nominate an arbitrator in his stead within two weeks after such death, refusal or inability, and in default thereof either party may, on notice to the other, apply to such judge to nominate such arbitrator, and such judge is hereby empowered to do so. In case an arbitrator nominated by such judge dies or refuses or becomes unable to act, either party may, on notice to the other, apply to such judge to nominate an arbitrator in his stead, and such judge is hereby empowered to do so. Upon such valuation and appraisement the amount of such rent shall be calculated as ground rent for the parcel of land demised, and the value of any buildings, tenements, houses or erections thereon beyond the sum of $1,500, being the value of the buildings existing on the premises at the date of this demise, is not to be considered in any wise in making the said appraisement or award.

Provided always and it is hereby specially agreed by and between the lessors and lessees, notwithstanding anything in these presents elsewhere provided, that it shall be optional with the lessors to decline to make, and for the lessees to decline to take any such renewal for a second or any successive future term of twenty-one years; but in order to exercise the option to decline renewal it shall be necessary for the parties intending to exercise the option to give to the other parties, or leave at their last known place of abode, a notice in writing of such intention at least three calendar months before the expiration of the said term of twenty-one years hereby granted, or of any successive future term to be granted as hereby provided; and in case of the exercise of such option it is hereby expressly covenanted, declared and agreed by and between the parties hereto and their respective representatives that all the buildings, houses and erections placed, erected and being on said premises at the expiration of any such term of twenty-one years, (and which exceed in value the sum of $1,500,) shall be duly valued and

appraised by arbitrators named and appointed on behalf of each party as above particularly mentioned, with power to them to name, refer to and call in a third person should they not agree as above mentioned, such valuation, appraisement or award shall fix the value under the conditions aforesaid.

And the said lessors covenant, promise and agree to and with the said lessees that they or some one of them will pay to the said lessees the full sum of money so to be fixed by said appraisers as the value and every compensation for said houses, buildings and erections on the said hereby demised premises, (which exceed the said sum of $1,500,) then standing and being within one calendar month after such valuation ascertained and declared as aforesaid, the renewal for a future term having been duly declined to be made by the said lessors or duly refused to be accepted by the said lessees

And it is hereby declared to be the true intention and meaning of these presents and as hereby expressed and agreed upon by and between the parties hereto, that at the end of the hereby granted term of twenty-one years and also at the end of any further renewed term of twenty-one years so to be granted as aforesaid, the said lessors shall grant a renewed term or lease of twenty-one years of the said hereby demised premises and so on for ever, ascertaining the amount of rent to be paid during the said renewed term by appraisement or arbitration as hereinbefore provided, and always estimating the amount of rent as ground rent and exclusive and independent of all buildings and improvements thereon erected, (except to the extent of $1,500 as aforesaid) then put, placed and being, until the said lessors elect to determine these presents or the said lessees decline to accept any renewal thereof, and of such intention notice shall be given as aforesaid, in which event the lessors shall pay within the term above limited at the expiration of any such term for all such buildings, erections and improvements as may be put, placed, erected and then being thereon, (exceeding the said sum of $1,500 hereinbefore mentioned,) at the appraised value to be ascertained and estimated by arbitrators in the manner hereinbefore provided.

The award or valuation of the three arbitrators or any two of them shall be final and binding, and such award or valuation shall be made in writing and published to the parties within twenty days after the end of the term hereby granted, but the arbitrators or a majority of them or the judge hereinbefore mentioned may, after notice to the parties, enlarge the time for making such award, and for the further and better enforcement of such award or valuation the submission herein contained may be made the rule of any superior court of original jurisdiction.

One half of the costs and charges of and incidental to any valuation or arbitration under the terms hereof, save fees to solicitors and counsel, shall be borne by the lessors and the other half by the lessees.

Provided always and it is also hereby agreed by and between the said lessors and lessees that wherever the words "lessors" and "lessees" or any word referring to lessors or lessees occur in these presents, the same shall be read as made on the behalf of and as extending to and includiug the successors and assigns of the lessees, and the heirs, executors, administrators and assigns of the lessors as the case may be.

3. The said company will accept a lease of the said premises for the term at the rent and subject to the covenants and conditions hereinbefore expressed, and will execute the same in triplicate, and will pay one-half the lessors' costs of and incidental to the preparation and execution of the said agreement, and of the preparation, execution and registration of the said lease, and immediately upon the execution and delivery of the last mentioned lease in triplicate, the same shall take the place of the above firstly mentioned lease for the term of ten years, and the said firstly mentioned lease for the term of ten years shall thereupon be absolutely null and void and of no effect, except as to the clause providing for repayment of the sum of $300 paid by the company as rent in advance to the executors on their behalf to Honeysett, which said clause is to remain in full force until the said sum of $300.00 is repaid to the company by the executors.

In witness whereof the said lessors have hereunto set their hands and seals, and the said lessees have hereunto set their corporate seal attested by the hand of the managing director.

Signed sealed and delivered in the presence of
(Sgd.) CHAS. PEARSON,
(Sgd,) J. D. SPENCE,
As to signatures
of JOSEPH GIBSON and
THOMAS FORD.

(Sgd.) THE WILLIAM DAVIES CO. (LTD.)
per J. W. FLAVELLE,
Managing Director.
[Seal.]
(Sgd.) JOSEPH GIBSON,
[Seal.]
(Sgd.) THOS. FORD,
[Seal.]

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to confer certain powers on the Trustees of the Will of the late John Lyons.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. MARTER.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 39.] **BILL.** [1895.

An Act respecting the Oshawa Railway Company, and the Town of Oshawa, and for other purposes.

Preamble.

WHEREAS the Oshawa Railway Company has by petition prayed that an Act may be passed ratifying and confirming certain agreements entered into between the corporation of the town of Oshawa and the Oshawa Railway Company, dated respectively the 17th day of May, 1894, and the 13th day of November, 1894, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements between company and town confirmed.

1. The agreements between the town of Oshawa and the Oshawa Railway Company dated respectively the 17th day of May, 1894, and the 13th day of November, 1894, which are set forth in schedules A and B to this Act, are hereby ratified and confirmed, and declared to be valid and binding upon the said corporation and the ratepayers thereof, and upon the said company, according to the terms thereof.

Issue of debentures to pay bonus granted by town.

2. In order to provide for the payments by way of bonus to the said railway company which are set forth in the seventh paragraph of the said agreement of the 17th day of May, 1894, and in lieu of the debentures referred to in the Act passed in the 56th year of the reign of Her Majesty, chaptered 73, it shall be lawful for the corporation of the town of Oshawa to cause debentures to be made and issued for a total sum not exceeding $5,000 of principal money, and any such amount as may be requisite to make the payments provided for in the seventh paragraph of the said agreement of the 17th day of May, 1894. The principal secured by such debentures shall be repayable by annual instalments during the period of twenty years from the date or dates of the issue thereof, with interest at a rate not exceeding five per cent. per annum, payable yearly.

Payment of debentures.

3. The council of the corporation of the town of Oshawa may by a by-law fix the amount of such debentures to be from time to time issued, and the sums or instalments in which

the same shall be payable, and the same when issued shall be used and applied by the corporation in accordance with the terms of such agreements.

Special rates for payment of debentures.

4. The corporation of the town of Oshawa shall raise and levy in each year during the currency of the said debentures issued under the authority of this Act by annual special rate or rates on all the rateable property in such corporation the sum sufficient to discharge the several instalments of principal and interest payable in respect of such debentures as may be issued hereunder.

Debentures to be binding, notwithstanding certain irregularities.

5. Such debentures when issued shall be valid and binding upon the corporation of the town of Oshawa, and no irregularity in form or substance either of the debentures or of the by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.

SCHEDULE A.

This agreement, made this seventeenth day of May, 1894, between the corporation of the town of Oshawa, hereinafter called "the corporation," of the first part, and The Oshawa Railway Company, hereinafter called "the company," of the second part.

Whereas, by by-law 363 of the corporation, which was confirmed and declared legal by an Act of the Legislature passed in the 56th year of the reign of Her Majesty, chaptered 73, it was provided that in constructing and building the company's railway it should be lawful to lay down, build and construct the same along such streets in the town of Oshawa as might thereafter be agreed on between the council of the corporation and the company;

And whereas, by an agreement made between the parties hereto, dated May 5th, 1893, which was ratified by the said Act, it was provided that in constructing and building its railway it should be lawful for the company to lay down, build and construct its railway along certain streets defined in such agreement and such other streets as might afterwards be agreed on between the parties from time to time, and that any deviation of the company's line from that approximately shown on the map or plan referred to in the agreement now in recital should not affect any of the provisions of such by-law and agreement;

And whereas, it is in the interests of and more to the advantage of the inhabitants of the town of Oshawa that the company's railway should be laid upon the streets defined by

this agreement in lieu of upon the streets defined by such agreement of May 5th, 1893, and the corporation is desirous that the work of constructing the company's railway shall be entered upon at an early date, and that the sections of its line within the limits of the town, as herein described, shall be completed by the end of the year 1894, and the company is of opinion that such desires can be complied with if this agreement be entered into;

And whereas, by the said by-law it was provided that the company's railway should, for the purposes of the by-law, be divided into three sections, and, in consequence of the change of location of the company's railway, it has been agreed that the limits and extent of such three sections shall be redefined.

Witnesseth, that in consideration of the premises the corporation and the company do covenant each with the other as follows:—

1. In constructing and building the said railway as at present projected, or any extension thereof, it shall be lawful for the company to lay down, build and construct its railway tracks and all necessary turnouts, and erect such neat, straight poles as may be necessary for maintaining wires and appliances necessary for working the company's railway by electricity along Simcoe street from its termination, at the southerly boundary of the town of Oshawa, to Duke and Richmond streets; and to build and construct branches or extensions of its line of railway, and to erect such poles for maintaining wires and appliances as may be necessary for working such branches and extensions on Simcoe street, between Duke and Richmond streets and the northerly limit of the town, and on the streets hereinafter referred to and on such other streets as may be hereafter agreed on between the parties from time to time; also to lay down, construct and maintain sidings on all streets so used; also to cross any and all streets which it may become necessary to cross in the construction of the company's railway.

2. To comply with the intention of the above-recited by-law and with the provisions with regard to construction contained in the 5th and 6th paragraphs thereof, the said proposed railway shall be divided into three sections, namely:—

Section one: Between the Oshawa station of The Grand Trunk Railway of Canada and connected with the railway of the said The Grand Trunk Railway Company of Canada to a point on Simcoe street at or near the town hall of Oshawa.

Section two: Extensions or branches of the company's line of railway to be operated for the transportation of freight along Duke and Richmond streets to the McLaughlin carriage works and to the Williams piano factory; and along Duke and Mechanic streets, or along King and Mechanic streets, to a point at or near Warren's tannery, the Oshawa flouring mill, Coulthard, Scott & Company's agricultural works and Hare's foundry, and along Metcalf street to The Pedlar Roofing Com-

pany's works; and along Albany and Prospect streets, or by any right of way acquired by the company, and along Prospect street to the works of The Oshawa Malleable Iron Company.

Section three: From a point on either of said sections one and two to a point at or near Port Oshawa.

3. The plans submitted for approval to the railway committee shall provide for laying the company's track and all necessary turnouts where they run on Simcoe street along the centre of the street except at curves.

4. For the purposes of the said by-law and in lieu of the provisions contained in the sixth paragraph of the said agreement, the work on the first section shall be commenced within fifteen days from the execution by the Minister of Railways of an agreement relative to the earning and payment of the Dominion subsidy voted to the company, and shall be completed within ninety days thereafter, and in any event within five months from the date of the agreement.

The second section shall be completed by the 31st day of December, 1894, and the third section by the 1st day of June, 1896.

The council of the corporation may, however, extend the time for the completion of such respective sections beyond such periods.

5. The corporation shall afford every reasonable assistance in procuring the approval of the company's plans by the Railway Committee and the execution of such agreement by the Minister of Railways.

6. The construction of the company's railway in the sections and within the periods referred to in the two preceding paragraphs shall be deemed and taken to be a compliance with the terms of the said by-law and agreement, and shall, subject to the provisions of this agreement hereinafter contained, entitle the company to receive from the corporation the several series of debentures and interest coupons or the respective sums provided in the 8th section of such by-law.

7. In consideration of the right of way for the company's track and all necessary turnouts being provided by the corporation as hereinbefore set forth, the company agree to the reduction of the payments to be made on the completion of such sections to the sum of $1,500 on the first section, $1,500 on the second section and $2,000 on the third section; and $1,500 shall be paid on the completion of the first section, $1,500 on the completion of the second section and $2,000 on the completion of the third.

And after the issue of the debentures set forth in such by-law as herein provided, such portion of each series of the debentures in excess of what is necessary to produce the said amounts respectively shall be cancelled.

8. The company undertake that the first section of its railway shall, from time to time, and at all times, be worked and run for the carriage of passengers and freight, and that

the second section shall from time to time and at all times be worked and run for the carriage of freight between the said Oshawa station of the Grand Trunk Railway and the respective termini of the said sections, and that connection shall be made and trains run by the company between the town hall on Simcoe street and each passenger train of the Grand Trunk Railway Company of Canada, which, upon its time-tables from time to time is timed or scheduled to stop at Oshawa station, Sundays excepted, and that at least one freight train shall be run each way each day between the town hall on Simcoe street and the Oshawa station, Sundays excepted.

9. If the extension or branch of the company's line of railway be built on King street between Simcoe and Church streets, then that portion of the company's line of railway shall be operated for the transportation of passengers as well as freight.

10. The company undertake that its railway shall from time to time, and at all times, from the first of May till the first of November in each and every year be worked and run for the carriage of freight between Port Oshawa and the town hall on Simcoe street, and for excursion trains for passengers during the summer months as may be arranged from time to time in such manner as may be advantageous for the company and the corporation and the inhabitants of the town, looking to the permanency of the company and its ultimate success. Provided, however, that the railway shall not be run or operated on Sundays within the municipality of Oshawa, except as the council of the corporation may consent thereto hereafter.

11. The company shall not remove nor permit to be removed the rails from its proposed railway, or any part thereof, without the consent of the corporation.

12. The company may, in addition to building such sections, extend its railway along William street to a point at or near Woon's foundry, and along Bruce street or along King street and Charles street to a point at or near the stove foundry.

13. The execution of this agreement shall be deemed and taken to be a compliance with the 9th and 10th sections of the said by-law.

14. The company shall use electricity only in operating its railway upon those portions of the streets which are above mentioned unless the corporation consent to the use of other motive power.

15. This agreement shall be construed as supplementary to the provisions of the above recited by-law and agreement, and such agreement except in so far as its terms are expressly varied by this instrument is hereby ratified and confirmed and is declared to be subsisting between the parties.

16. Both parties hereto will use all lawful means to obtain an Act of the Legislature of Ontario confirming and making valid this agreement in all respects, and the company shall pay the expenses of procuring such legislation.

17. The council of the corporation may consent to the variation of the terms of this agreement without affecting its validity.

In testimony whereof this agreement has been duly executed by the corporation and the company

(Sgd. W. F. COWAN,
Mayor.

May 17th, 1894.

(Sgd.) C. W. SMITH,
[Seal]. Town Clerk.

Witness: as to execution by the Oshawa Railway Company. } For the Oshawa Railway Company.

(Signed) CHAS. H. DAY. R. C. CARTER,
General Manager.

[Seal]. F. S. RATHBUN,
Secretary.

SCHEDULE B.

Memorandum of agreement between the Oshawa Railway Company, hereinafter referred to as "The Company," of the first part, and the corporation of the town of Oshawa, hereinafter referred to as "The Corporation," of the second part.

Whereas on the 17th day of May, 1894, an agreement was entered into between the parties hereto respecting the construction of the company's line of railway;

And whereas owing to unforeseen and unavoidable causes it has not been possible to complete the first section of the company's railway within the time limited by such agreement;

And whereas in pursuance of the terms of such agreement of the 17th day of May, 1894, it has been agreed that the time for the construction of the sections of such railway shall be varied from those referred to in the said agreement subject to the terms of this agreement.

It is therefore agreed as follows:—

1. The company shall within ten days from the date of this agreement deposit with the mayor of the corporation securities to his satisfaction to the extent of $2,000 or the sum of $2,000.

2. The time for the completion of the respective sections of the company's railway which are referred to in the fourth paragraph of the agreement of the 17th day of May, 1894, above referred to shall on such deposit being made be extended as follows:—

The first section shall be completed and in operation by the 15th day of June, 1895.

The second section shall be completed and in operation by the 15th day of July, 1895.

The third section shall be completed and in operation by the 30th day of September, 1895.

3. If the company complete the first section at any time before the 15th day of June, 1895, then the said securities or sum of $2,000, as the case may be, with any accumulated interest, shall be returned or repaid to the company, but if such section be not completed by the 15th day of June, 1895, then the said securities or sum of $2,000 and accumulated interest shall be forfeited to the corporation and shall be transferred or paid over to the corporation for its own use absolutely.

4. This agreement shall be construed as supplementary to the agreement of the 17th of May, 1894, above referred to, which, except as varied by this agreement, is confirmed and declared to be subsisting between the parties.

5. Both parties will use all lawful means to obtain an Act of the Legislature of Ontario confirming and making valid this agreement and the company shall pay the expenses of such legislation.

In witness whereof this instrument has been executed by the respective parties hereto the thirteenth day of November, A.D. 1894.

Executed in the presence of as to the corporation of Oshawa. } (Sgd.) W. F. COWAN, [Seal]. Mayor of Oshawa.

(Sgd.) C. W. SMITH, Town Clerk.

As to execution by the Oshawa Railway Company. } For the Oshawa Railway Company.

(Sgd.) CHAS. H. DAY. (Sgd.) R. C. CARTER, General Manager.

(Sgd.) F. S. RATHBUN, Sec.-Treas.

No. 39.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Oshawa Railway Company and the Town of Oshawa and for other purposes.

First Reading, March th, 1895.

(Private Bill.)

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.] **BILL.** [1895.

An Act to incorporate the Kingston and Gananoque Railway Company.

Preamble.

WHEREAS John M. Campbell of the city of Kingston, electrician, Chilion Jones of the town of Brockville in the county of Leeds, manufacturer, Nicholas Awrey of the city of Hamilton, merchant, E. L. Atkinson, Charles E. Britton and W. J. Gibson of the town of Gananoque in the county of Leeds, manufacturers, F. S. M. Blewen of the city of New York in the United States of America, merchant, B. M. Britton of the city of Kingston, barrister, and B. B. Taggart of the town of Watertown in the state of New York, manufacturer, have by their petition prayed that they may be incorporated under the name of The Kingston and Gananoque Electric Railway Company for the purpose of constructing and operating an electric railway from some point in the city of Kingston to some point in the town of Gananoque with power to extend the said railway east as far as the town of Brockville and north as far as the town of Perth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation

1. The said John M. Campbell, Chilion Jones, Nicholas Awrey, E. L. Atkinson, Charles E. Britton, W. J. Gibson, F. S. M. Blewen, B. M. Britton and B. B. Taggart and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Kingston and Gananoque Electric Railway Company."

Certain provisions of R.S. O., chap. 170, incorporated.

2. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc." "actions for indemnity," and "fines and penalties and their prosecution," shall be incorporated with and form part of this Act, and shall apply to the said company and

the railway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, or are hereinafter especially excepted; and the expression "this Act" when used herein shall include the clauses of the said *Railway Act of Ontario* so incorporated with this Act, provided always that the clauses relating to "lands and their valuation" shall not apply within the city of Kingston; provided that sub-sections 6 and 7 of the clauses relating to "powers" being section 9 of the said *Railway Act* shall not apply to this Act, provided also that section 30 of the said *Railway Act*, being the clause relating to "fences," shall not apply to any part of the said railway which runs along or upon any highway.

Proviso.

Proviso.

Rev. Stat. c. 170.

Location of line.

3. The said company and their servants and agents, are hereby authorized and empowered to construct and maintain and to operate by any motive power except steam power, a double or single iron or steel railway with one or more branch or branches and with all necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the city of Kingston through the said city and the townships of Kingston and Pittsburgh to a point in or near the town of Gananoque, with the power to extend said railway east through the said town of Gananoque and the townships of Leeds, Lansdowne, Front of Escott, Front of Yonge, Elizabethtown, to some point in or near the town of Brockville, and with the power to extend said railway north through the townships of Leeds, Lansdowne, South Crosby, North Crosby, Bastard, Kitley, South Elmsley, North Elmsley, and Drummond, to a point in or near the town of Perth with power to build any part or branch of the said railway in sections. The said railway to be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to any resolution therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively and the said company, and the said company to have the power to take, transport, and carry passengers, freight, express and mail matter upon the same by the force or power of electricity, or such other motive power, except steam power, as they may be authorized by the councils of the several municipalities by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

Occupation of highways.

Gauge.

4. The said railway may be of any gauge.

Provisional directors.

5. The said John M. Campbell, Chilion Jones, Nicholas Awrey, E. L. Atkinson, Charles E. Britton, W. J. Gibson, F. S.

M. Blewen, B. M. Britton and B. B. Taggart, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the said company, with power to add to the number, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional board.

6. The said board of provisional directors shall have full power forthwith to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers; to cause plans and surveys to be executed; to enter into agreements for right of way, station grounds, power houses, and terminal grounds, and to receive for the company any grant, loan, bonus, or gift made to or in aid of the undertaking, and to enter into agreements respecting the condition or disposition of any gift or bonus in aid of the undertaking with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors, and to call a general meeting of the shareholders for the election of directors as hereinafter provided. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and all meetings of the provisional board of directors shall be held in the town of Gananoque, in the county of Leeds, or at such other place as may best suit the interest of the said company.

Rev. Stat., c. 170.

First election of directors.

7. When and as soon as shares to the amount of $100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company by giving two weeks' notice by advertisement in the *Ontario Gazette* and in one or more of the local newspapers published in the city of Kingston and town of Gananoque in the county of Leeds, of the time, place, and purpose of the said meeting.

Number of directors and quorum.

8. At such general meeting the shareholders present either in person or by proxy who shall at the opening of such meeting have paid up ten per centum on their shares shall elect seven or more persons to be directors of the said company in manner qualified as hereinafter described, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such

rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*, and the said board of directors may employ and pay one of their number as a managing director.

Rev. Stat. c. 170.

Qualification of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

General meetings.

10. The head office of the said company shall be either at the city of Kingston in the county of Frontenac, or the town of Gananoque in the county of Leeds, to be decided on at the first general meeting of shareholders by a majority of shareholders then present in person or by proxy duly qualified to vote as hereinbefore set out, and such plan so decided on shall continue to be the plan for holding the general annual meetings of the shareholders of the said company until changed by a majority of votes at a general meeting of shareholders; of which change notice shall be given four weeks previously by a notice published once in the *Ontario Gazette* and in one or more of the local newspapers, and the general annual meetings of the shareholders of the said company shall be held in such place as aforesaid and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the city of Kingston and the town of Gananoque during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

11. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Certain payments may be made in stock or bonds.

12. The provisional directors or the elected directors may pay or agree to pay in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers and contractors, or for right of way or material, plant or rolling stock and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the said company.

Capital stock.

13. The capital stock of the company shall be $500,000, with power to increase the same in the manner provided by *The*

Railway Act of Ontario, to be divided into 5,000 shares of $100 each, and shall be raised by the persons and corporations who shall become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipping, and working of the said railway and the purposes of this Act. Rev. Stat. c. 170.

14. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificate issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company. Transfer of shares.

15. Aliens as well as British subjects and corporations may be shareholders in the said company, and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Rights of aliens.

16. The directors for the time being may, from time to time, make calls as they shall think fit provided no call shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided by section 10 of this Act. Calls.

17. Subject to the terms of any agreement with a municipal corporation the said company may charge fares at the rate of three cents per mile per passenger provided that no fare need be less than five cents. Fares.

18. The company may make special rates for the carriage of fruit and milk and other perishable freight. Rates for fruit and milk.

19. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds, power houses, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Grants of land to company.

20. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or in which it is situate by by-law specially passed for that purpose to exempt the said company and its property Power to exempt company from taxation.

within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Use of highways by company.

21. Any municipality through which the said railway passes and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company with the consent of and subject to the conditions imposed by such joint stock company and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they, from time to time, deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Aid from municipalities.

22. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation or by subscribing for shares in the capital stock of the company under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

23. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

1. The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty

resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act 1892*, and amendments thereto. 55 V. c. 42.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and amendments thereto as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots or concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

24. Such by-law shall in each instance provide: By-laws, what to contain.

1. For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of such debentures or the application of the amount to be raised thereby, as may be expressed by the said by-law.

2. For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

25. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law. Expenses of by-law.

26. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if approved by ratepayers.

27. Within one month after the passing of such by-law the said council and the reeve or other officers thereof shall issue the debentures necessary to raise the sum mentioned in such by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

Levying rate on portion of municipality.

28. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Council may extend time for commencement of work.

29. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated by the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Council may extend time for completion.

30. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, and they shall have full power to extend the time for the completion of the works (on the completion of which the said company will be entitled to such bonus) from time to time ;

Proviso.

provided that no extension shall be for a longer period than one year at a time.

Provision for referring disputes as to bonus by-laws to arbitration.

31. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

32. The term "minor municipality" shall be construed to mean any town not separated from the county, township or incorporated village situate in the county municipality.

Application of 55 V. c. 42 as to by-laws.

33. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same

extent as if the same had been passed by or for the whole municipality.

Acquiring land for stations, gravel pits, etc.

34. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from the railway, and may sell or convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring gravel, etc., for construction and repair of railway.

35. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits, etc.

36.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing of plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may be at all times exercised and used in all respects after the rail-

way is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat., c. 170.

Trustees of debentures.

37. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months of the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee die or resigns his trust or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

38. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Kingston and Gananoque Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being, in the form set out in the schedule A hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

39. The trustees shall be entitled to their reasonable fees and charges from the trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

40. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment to all rights and remedies of such persons for such charges. Power to collect back charges on goods.

41. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through the said city of Kingston or town of Gananoque without the consent of the corporation of the said city of Kingston and town of Gananoque being first obtained by the said company; provided also that the telephone line shall be used exclusively for the purpose of the business of the said company. Telegraph and telephone lines. Proviso. Proviso.

42. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company—if lawfully authorized to enter into such agreement—person or persons for leasing, hiring or use of any electric motors, carriages or cars from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the electric motors, carriages or cars of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies for leasing or hiring rolling stock.

43. The said company shall have power to enter into an agreement or agreements with either or both of the Kingston Electric Light Company and the Gananoque Electric Light Company or any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company. Agreement with electric light companies.

44. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to con- Traffic arrangements with other companies.

struct and operate an electric railway or railways in or near the city of Kingston, or with any railway company if lawfully empowered to enter into any such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them or with any other companies, person or persons if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring of any electric motors, carriages or cars, or any of them or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line subject to the provisions of any by-law or by-laws of the city of Kingston or town of Gananoque which may from time to time be in force so far as the same may affect the company hereby incorporated or the railway to be built under the authority of this Act, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Issue of bonds.

45. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $5,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.

Negotiable instruments.

46. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of directors shall be binding on the said company, and every such promissory note or bill of exchange so made shall

be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Proviso.

47. The said company may from time to time for advances of money to be made thereon mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Mortgaging bonds for advances.

48. Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set forth in schedule B to this Act or to the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof and certificates endorsed on the duplicates thereof. Form of conveyances.

49. The railway between the city of Kingston and town of Gananoque shall be commenced within two years and completed within three years, with a further period after such completion of three years, to commence or complete and connect said railway with the town of Brockville and the town of Perth respectively. Commencement and completion of line.

SCHEDULE A.

(*Section 38.*)

Chief Engineer's Certificate.

The Kingston and Gananoque Electric Railway Company's Office.

No. Engineer's Department, A.D. 189 .

Certificate to be attached to cheques drawn on The Kingston and Gananoque Electric Railway Municipal Trust

Account under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign T. H. B, of the Kingston and Gananoque Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of . (*Here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE B.

(*Section 48.*)

Know all men by these presents that I (*or* we) (*insert names of vendor or vendors*)) in consideration of dollars paid to me (*or* us) by The Kingston and Gananoque Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or as the case may be*) of land (*description of land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Kingston and Gananoque Electric Railway Company, their successors and assigns forever (*here insert any other clauses or conditions and comments required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) claim in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A. D. 189 .

Signed, sealed and delivered in the presence of } { L.S. }

No. 40.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Kingston and Gananoque Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.] **BILL.** [1895.

An Act to incorporate the Kingston and Gananoque Railway Company.

Preamble.

WHEREAS John M. Campbell of the city of Kingston electrician, Chilion Jones of the town of Brockville in the county of Leeds, manufacturer, Nicholas Awrey of the city of Hamilton, merchant, E. L. Atkinson, Charles E. Britton and W. J. Gibson of the town of Gananoque in the county of Leeds, manufacturers, F. S. M. *Blunn* of the city of New York in the United States of America, merchant, B. M. Britton of the city of Kingston, barrister, and B. B. Taggart of the town of Watertown in the state of New York, manufacturer, have by their petition prayed that they may be incorporated under the name of The Kingston and Gananoque Electric Railway Company for the purpose of constructing and operating an electric railway from some point in the city of Kingston to some point in the town of Gananoque with power to extend the said railway north as far as the town of Perth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation

1. The said John M. Campbell, Chilion Jones, Nicholas Awrey, E. L. Atkinson, Charles E. Britton, W. J. Gibson, F. S. M. *Blunn*, B. M. Britton and B. B. Taggart and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Kingston and Gananoque Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair a double or single iron or steel railway to be operated by electricity with one or more branch or branches from some point in the city of Kingston through the said city and the townships of Kingston and Pittsburgh to a point in or near the town of Gananoque, with the power to extend said railway east through the said town of Gananoque and the townships of Leeds, Lansdowne, *and* Front of

Escott, and with the power to extend said railway north through the townships of Leeds, Lansdowne, South Crosby, North Crosby, Bastard, Kitley, South Elmsley, North Elmsley, and Drummond, to a point in or near the town of Perth, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Provisional directors.

3. The said John M. Campbell, Chilion Jones, Nicholas Awrey, E. L. Atkinson, Charles E. Britton, W. J. Gibson, F. S. M. *Blunn*, B. M. Britton and B. B. Taggart, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the said company, with power to add to the number, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

4. All meetings of the provisional board of directors of the company shall be held in the town of Gananoque, in the county of Leeds, or at such other place as may best suit the interests of the said company.

5. The capital stock of the said company shall be $500,000, to be divided into 5,000 shares of $100 each.

6. The board of directors of the said company shall consist of seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

General meetings.

7. The head office of the said company shall be either at the city of Kingston in the county of Frontenac, or the town of Gananoque in the county of Leeds, to be decided on at the first general meeting of shareholders by a majority of shareholders then present in person or by proxy duly qualified to vote according to the provisions of *The Electric Railway Act, 1895*, and such *place so* decided on shall continue to be the *place* for holding the general annual meetings of the shareholders of the said company until changed by a majority of votes at a general meeting of shareholders; of which change notice shall be given four weeks previously by a notice

published once in the *Ontario Gazette* and in one or more of the local newspapers, and the general annual meetings of the shareholders of the said company shall be held in such place as aforesaid and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the city of Kingston and the town of Gananoque during the four weeks preceding the week in which such meeting is to be held.

Rates for fruit and milk.

8. The company may make special rates for the carriage of fruit and milk and other perishable freight.

Agreements with other companies for leasing or hiring rolling stock.

9. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, it shall be lawful for the directors of the company to enter into any agreement or agreements with any street railway company, or with any person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person for such time or times and on such terms as may be agreed upon, or for the running of the carriages or the cars of the said Kingston *and Gananoque Electric* Railway Company over the track of such other railway company ; and also to enter into agreements with any street railway company for the use, by one or more of such contracting companies of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Issue of bonds.

10. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $5,000 for each mile of the said railway, and the provisions of sections 20, 21, 22, 23 24, *and 25* of *The Electric Railway Act, 1895*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sections.

Incorporation of provisions.

11. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof ; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric* Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

12. The railway between the city of Kingston and town of Gananoque shall be commenced within two years and completed within three years, with a further period after such completion of three years, to commence or complete and connect said railway *with* the town of Perth.

13. Nothing in this Act contained shall be held to interfere with the position and rights of the Cataraqui Bridge Company.

No. 40.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Kingston and Gananoque Railway Company.

First Reading, 12th March, 1895.
Second Reading, 9th April, 1895.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.)

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 41.] **BILL.** [1895.

An Act respecting the Stormont Electric Light and Power Company.

Preamble.

WHEREAS, The Stormont Electric Light and Power Company was, on the 23rd day of September, A.D. 1887, incorporated by letters patent, under *The Ontario Joint Stock Companies' Letters Patent Act*, and an Act passed in the forty-fifth year of Her Majesty's reign, intituled "*An Act respecting Companies for supplying Electricity, for the purposes of Light, Heat and Power*," and has been engaged in furnishing light by electricity in the town and township of Cornwall since its incorporation; and whereas, the Cornwall Gas Company was incorporated on or about the 1st day of August, A.D. 1882, under and by virtue of chapter 157, of the Revised Statutes of Ontario, 1877, intituled "*An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water for the manufacture and sale of Illuminating Gas;*" and whereas, the Cornwall Gas Company, for the purposes of such business acquired the land and premises hereinafter described, and erected thereon works for the manufacture and storage of gas, and laid mains and pipes in the streets, squares and other public places in the town of Cornwall for the purpose of supplying the same to consumers; and whereas, the Cornwall Gas Company, on the 28th day of August, 1888, passed a by-law which was duly ratified and confirmed by the shareholders of the company, according to law, authorizing an issue of bonds to the amount of $15,000, payable in ten years from date, with interest at seven per cent. per annum, to be secured by mortgage upon all the real estate and works of the company to Philip S. Ross and James G. Ross, in trust for the bondholders; and whereas, the Cornwall Gas Company, by mortgage bearing date the 19th day of September, A.D. 1888, granted and conveyed the land hereinafter described and all the property, plant appliances and fixtures of the said company to Philip S. Ross and James G. Ross in trust as security for the holders of the said bonds of the company; and whereas, the Cornwall Gas Company issued bonds amounting to $13,500, which were secured by the said mortgage to the said Philip S. Ross and James G. Ross, as aforesaid; and whereas, Alexander McLean, John McMillan, T. Robertson & Co. and Robert Mitchell & Co. became the

holders of the said bonds which were issued by the Cornwall Gas Company ; and whereas, the Cornwall Gas Company having made default in payment of the said bonds, and of the interest thereon, the said Philip S. Ross and James G. Ross, Alexander McLean, John McMillan, T. Robertson & Co. and Robert Mitchell & Co. took such proceedings in the chancery Division of the High Court of Justice for Ontario that they, on the 23rd day of April, A. D. 1890, obtained a final order of foreclosure whereby the Cornwall Gas Company were absolutely debarred and foreclosed of all their right, title, interest and equity of redemption in the lands hereinafter described, aand in the buildings thereon erected, and in the engines, boilers, machines, gas tanks, belting, tools, appliances and in all gas pipes and mains for the carrying of gas underground in the various streets, lanes, yards or squares in the town of Cornwall ; and whereas, the said John McMillan died on or about the 17th day of April, A.D. 1891, after having duly made his last will and testament, whereby he appointed W. K. Gibson, H. J. Dawson and Charles Jenkins his executors, with power to sell all his right, title and interest in the said Cornwall Gas Works ; and whereas, the said Philip S. Ross, James G. Ross, Alexander McLean, T. Robertson & Co., Robert Mitchell & Co. and the said executors of the estate of the late John McMillan conveyed the land hereinafter described and the said gas works to Archibald Denny, James Leitch, John McIntyre and Roderick R. McLennan ; and whereas, with the consent of the shareholders, The Stormont Electric Light and Power Company entered into an agreement, bearing date the 18th day of January, A.D. 1895, and set out in schedule A to this Act, with the said Archibald Denny, James Leitch, John McIntyre and Roderick R. McLennan, for the purchase of lot number nine on the north side of Water street, in the town of Cornwall, together with the gas works and holders thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, property and effects thereunto belonging, upon the terms and conditions in the said agreement set forth ; and whereas, The Stormont Electric Light and Power Company have by their petition prayed that the said agreement may be ratified and confirmed and that the said company may have power to own and operate the said gas works in the town of Cornwall, and to issue bonds to the amount of six thousand dollars, to be secured by a mortgage to trustees on the said land and gas works, and to increase the capital stock of the company, and for such other powers as may be necessary to carry the said agreement into effect ; and whereas, it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows : —

Agreement of company with certain persons confirmed.

1. The said agreement dated the 18th day of January 1895, between The Stormont Electric Light and Power Company, and the said parties of the second part therein named, set out in schedule A to this Act, is hereby ratified and confirmed, and declared valid and binding upon the parties thereto, and, upon the delivery of a deed by the said parties of the second part in the said agreement named, the land described therein, together with the gas works and the holders thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, property and effects thereunto belonging, or in anyway appertaining thereto, shall hereby vest in The Stormont Electric Light and Power Company.

Power to operate gas works.

2. The Stormont Electric Light and Power Company shall have power to operate the said gas works and to manufacture gas and sell the same for light, heat or power in the town and township of Cornwall, and shall hereafter possess all the rights, powers and privileges conferred on any company by any general Act of the Province of Ontario.

Bonding powers.

3. The president and secretary of The Stormont Electric Light and Power Company, are, for the purpose set forth in the said agreement authorized and empowered to sign, seal and issue bonds or debentures of one hundred dollars each, to the amount of six thousand dollars, to bear date the first day of December A. D. 1893, and be payable in twenty years from date, with coupons attached thereto, for the payment of the interest at the rate of six per cent. per annum, payable half yearly at the office of the Ontario Bank, in the town of Cornwall, and to execute a mortgage on the land and gas works in the agreement Schedule A described, to a trustee or trustees, to be agreed upon by the parties to the said agreement, to secure the payment of the said bonds or debentures, and the interest coupons attached thereto.

Increasing capital stock.

4. The directors of The Stormont Electric Light and Power Company may by by-law, increase the capital stock of the said company to the sum of $100,000, or any less sum which they may consider requisite, for the due carrying out of the objects of the said company.

SCHEDULE A

(Section 1.)

This agreement, made in duplicate this 18th day of January, A. D. 1895, between The Stormont Electric Light and Power Company, of the first part, and Archibald Denny, banker; James Leitch, barrister; John McIntyre, merchant, all of the town of Cornwall, in the county of Stormont, and Roderick R. McLennan, gentleman, of the village of Alexandria, in the county of Glengarry, of the second part.

Whereas, at a meeting of the stockholders of The Stormont Electric Light and Power Company, duly called according to

law, held at the office of the company, in the town of Cornwall, on the 13th day of November, A. D. 1893, it was moved and seconded and duly carried by the shareholders present, who represented 162 of the 250 shares of the capital stock of the said company, and without any dissenting vote, that The Stormont Electric Light and Power Company purchase the property of The Cornwall Gas Works, consisting of the real estate, being lot number nine on the north side of Water street, in the town of Cornwall, and the buildings, holders, appliances and plant, including mains and all devices and property of the company, except coke, coal and oil, and unexpired insurance, for the sum of thirteen thousand dollars, payable as follows: Six thousand dollars in bonds at 6 per cent. per annum, secured on The Gas Company's property, and seven thousand dollars in paid up stock of The Stormont Electric Light and Power Company, and that the president and the secretary of The Stormont Electric Light and Power Company are hereby authorized to sign a contract to complete the purchase, The Stormont Electric Light and Power Company to get possession of The Gas Company's property, and receive the revenue of the works, on and from the first day of December, A. D. 1893.

And whereas the parties of the second part were the owners of The Cornwall Gas Works and the land and premises in the said resolution described, and did on the 13th of November, A.D. 1893, agree to sell and transfer the same to The Stormont Electric Light and Power Company, the parties hereto of the first part, for the price or consideration in the said resolution mentioned.

And whereas the parties of the first part took possession of the said gas works and have received the revenues of the said works since the first day of December, A. D. 1893.

And whereas, at a meeting of the directors of The Stormont Electric Light and Power Company, held on the 17th day of January, A. D. 1895, the president and secretary of the said company were authorized and empowered to execute this agreement on behalf of the company, and affix the corporate seal of the company.

Now, therefore, this agreement witnesseth that the parties of the first part hereby purchase, and the parties of the second part hereby sell and agree to convey by good and sufficient deed to the parties of the first part, lot number nine on the north side of Water street, in the town of Cornwall, together with the gas works and holder thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, franchises, property and effects thereunto belonging or in any wise appertaining thereto.

And the parties of the first part agree to pay to the parties of the second part the sum of thirteen thousand dollars for the said land and gas works in the manner following, viz.: Six thousand dollars in the bonds or debentures of The Stormont Electric Light and Power Company, which bonds or debentures are to bear date the 1st day of December, 1893, and be payable in twenty years from the date thereof, with coupons attached

thereto, for the payment of the interest at six per cent. per annum, payable half-yearly, at the office of the Ontario bank, in the town of Cornwall, and seven thousand dollars in paid up capital stock of the said company.

And the parties of the first part agree with the parties of the second part that they, the said Stormont Electric Light and Power Company, will issue the said bonds or debentures of the company and execute a mortgage to a trustee or trustees, to be agreed upon by the parties hereto, to secure the payment of the said bonds or debentures and the interest coupons attached thereto, upon the said land and gas works, mains, pipes, boilers, engines, machinery, plant and appliances hereinbefore described.

And the parties of the first part agree with the parties of the second part that they, the said Stormont Electric Light and Power Company, will allot or procure to be allotted or transferred to the parties of the second part seventy shares of the said paid-up capital stock of the company at the par value of seven thousand dollars.

And the parties of the first part agree with the parties of the second part that they, The Stormont Electric Light and Power Company, will take the necessary steps to procure an Act to be passed by the Legislature of the Province of Ontario, ratifying and confirming this agreement, and giving power to the said company to own and operate the said gas works in the town of Cornwall, and granting power to the said company to issue the said bonds or debentures, and to execute a mortgage as aforesaid, to secure the payment of the same and the interest coupons attached thereto, and to increase the capital stock of the company, or for such other powers as may be necessary to carry out the true intent and meaning of this agreement.

In witness whereof the president and secretary of the parties of the first part have subscribed their hands and affixed the corporate seal of the company, and the parties of the second part have subscribed their hands and seals.

WM. COLQUHOUN, President.	[SEAL.]
J. SKELTON, Secretary.	
A. DENNY.	[SEAL.]
JAMES LEITCH.	[SEAL.]
JOHN MCINTYRE.	[SEAL.]
R. R. MCLENNAN.	[SEAL.]

Signed, sealed and delivered in the presence of
JOHN MILDEN, as to signature of William Colquhoun, John Skelton, Archibald Denny, James Leitch, and John McIntyre.
ALEX. L. SMITH, as to signature of Roderick R. McLennan.

No. 41.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Stormont Electric Light and Power Company.

First Reading 1895.

(Private Bill.)

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 41.] **BILL.** [1895.

An Act respecting the Stormont Electric Light and Power Company.

Preamble.

WHEREAS, The Stormont Electric Light and Power Company was, on the 23rd day of September, A.D. 1887, incorporated by letters patent, under *The Ontario Joint Stock Companies' Letters Patent Act*, and an Act passed in the forty-fifth year of Her Majesty's reign, intituled '*An Act respecting Companies for supplying Electricity, for the purposes of Light, Heat and Power*," and has been engaged in furnishing light by electricity in the town and township of Cornwall since its incorporation; and whereas, the Cornwall Gas Company was incorporated on or about the 1st day of August, A.D. 1882, under and by virtue of chapter 157, of the Revised Statutes of Ontario, 1877, intituled "*An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water for the manufacture and sale of Illuminating Gas;*" and whereas, the Cornwall Gas Company, for the purposes of such business acquired the land and premises hereinafter described, and erected thereon works for the manufacture and storage of gas, and laid mains and pipes in the streets, squares and other public places in the town of Cornwall for the purpose of supplying the same to consumers; and whereas, the Cornwall Gas Company, on the 28th day of August, 1888, passed a by-law which was duly ratified and confirmed by the shareholders of the company, according to law, authorizing an issue of bonds to the amount of $15,000, payable in ten years from date, with interest at seven per cent. per annum, to be secured by mortgage upon all the real estate and works of the company to Philip S. Ross and James G. Ross, in trust for the bondholders; and whereas, the Cornwall Gas Company, by mortgage bearing date the 19th day of September, A.D. 1888, granted and conveyed the land hereinafter described and all the property, plant appliances and fixtures of the said company to Philip S. Ross and James G. Ross in trust as security for the holders of the said bonds of the company; and whereas, the Cornwall Gas Company issued bonds amounting to $13,500, which were secured by the said mortgage to the said Philip S. Ross and James G. Ross, as aforesaid; and whereas, Alexander McLean, John McMillan, T. Robertson & Co. and Robert Mitchell & Co. became the

holders of the said bonds which were issued by the Cornwall Gas Company ; and whereas, the Cornwall Gas Company having made default in payment of the said bonds, and of the interest thereon, the said Philip S. Ross and James G. Ross, Alexander McLean, John McMillan, T. Robertson & Co. and Robert Mitchell & Co. took such proceedings in the chancery Division of the High Court of Justice for Ontario that they, on the 23rd day of April, A. D. 1890, obtained a final order of foreclosure whereby the Cornwall Gas Company were absolutely debarred and foreclosed of all their right, title, interest and equity of redemption in the lands hereinafter described, aand in the buildings thereon erected, and in the engines, boilers, machines, gas tanks, belting, tools, appliances and in all gas pipes and mains for the carrying of gas underground in the various streets, lanes, yards or squares in the town of Cornwall ; and whereas, the said John McMillan died on or about the 17th day of April, A.D. 1891, after having duly made his last will and testament, whereby he appointed W. K. Gibson, H. J. Dawson and Charles Jenkins his executors, with power to sell all his right, title and interest in the said Cornwall Gas Works ; and whereas, the said Philip S. Ross, James G. Ross, Alexander McLean, T. Robertson & Co., Robert Mitchell & Co. and the said executors of the estate of the late John McMillan conveyed the land hereinafter described and the said gas works to Archibald Denny, James Leitch, John McIntyre and Roderick R. McLennan ; and whereas, with the consent of the shareholders, The Stormont Electric Light and Power Company entered into an agreement, bearing date the 18th day of January, A.D. 1895, and set out in schedule A to this Act, with the said Archibald Denny, James Leitch, John McIntyre and Roderick R. McLennan, for the purchase of lot number nine on the north side of Water street, in the town of Cornwall, together with the gas works and holders thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, property and effects thereunto belonging, upon the terms and conditions in the said agreement set forth ; and whereas, The Stormont Electric Light and Power Company have by their petition prayed that the said agreement may be ratified and confirmed and that the said company may have power to own and operate the said gas works in the town of Cornwall, and to issue bonds to the amount of six thousand dollars, to be secured by a mortgage to trustees on the said land and gas works, and to increase the capital stock of the company, and for such other powers as may be necessary to carry the said agreement into effect ; and whereas, it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows : —

1. The said agreement dated the 18th day of January 1895, between The Stormont Electric Light and Power Company, and the said parties of the second part therein named, set out in schedule A to this Act, is hereby ratified and confirmed, and declared valid and binding upon the parties thereto, and, upon the delivery of a deed by the said parties of the second part in the said agreement named, the land described therein, together with the gas works and the holders thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, property and effects thereunto belonging, or in anyway appertaining thereto, shall vest in The Stormont Electric Light and Power Company. Agreement of company with certain persons confirmed.

2. The Stormont Electric Light and Power Company shall have power to operate the said gas works and to manufacture gas and sell the same for light, heat or power in the town and township of Cornwall, and shall hereafter possess all the rights, powers and privileges conferred on any company by *the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.* Power to operate gas works. R.S.O. 164.

3. The president and secretary of The Stormont Electric Light and Power Company, are, for the purpose set forth in the said agreement authorized and empowered to sign, seal and issue bonds or debentures of one hundred dollars each, to the amount of six thousand dollars, to bear date the first day of December A. D. 1893, and be payable in twenty years from date, with coupons attached thereto, for the payment of the interest at the rate of six per cent. per annum, payable half yearly at the office of the Ontario Bank, in the town of Cornwall, and to execute a mortgage on the land and gas works in the agreement Schedule A described, to a trustee or trustees, to be agreed upon by the parties to the said agreement, to secure the payment of the said bonds or debentures, and the interest coupons attached thereto. Bonding powers.

4. The directors of The Stormont Electric Light and Power Company may by by-law, increase the capital stock of the said company to the sum of *$50,000*, or any less sum which they may consider requisite, for the due carrying out of the objects of the said company. Increasing capital stock.

SCHEDULE A.

(Section 1.)

This agreement, made in duplicate this 18th day of January, A. D. 1895, between The Stormont Electric Light and Power Company, of the first part, and Archibald Denny, banker; James Leitch, barrister; John McIntyre, merchant, all of the town of Cornwall, in the county of Stormont, and Roderick R. McLennan, gentleman, of the village of Alexandria, in the county of Glengarry, of the second part.

Whereas, at a meeting of the stockholders of The Stormont Electric Light and Power Company, duly called according to

law, held at the office of the company, in the town of Cornwall, on the 13th day of November, A. D. 1893, it was moved and seconded and duly carried by the shareholders present, who represented 162 of the 250 shares of the capital stock of the said company, and without any dissenting vote, that The Stormont Electric Light and Power Company purchase the property of The Cornwall Gas Works, consisting of the real estate, being lot number nine on the north side of Water street, in the town of Cornwall, and the buildings, holders, appliances and plant, including mains and all devices and property of the company, except coke, coal and oil, and unexpired insurance, for the sum of thirteen thousand dollars, payable as follows: Six thousand dollars in bonds at 6 per cent. per annum, secured on The Gas Company's property, and seven thousand dollars in paid up stock of The Stormont Electric Light and Power Company, and that the president and the secretary of The Stormont Electric Light and Power Company are hereby authorized to sign a contract to complete the purchase, The Stormont Electric Light and Power Company to get possession of The Gas Company's property, and receive the revenue of the works, on and from the first day of December, A. D. 1893.

And whereas the parties of the second part were the owners of The Cornwall Gas Works and the land and premises in the said resolution described, and did on the 13th of November, A.D. 1893, agree to sell and transfer the same to The Stormont Electric Light and Power Company, the parties hereto of the first part, for the price or consideration in the said resolution mentioned.

And whereas the parties of the first part took possession of the said gas works and have received the revenues of the said works since the first day of December, A. D. 1893.

And whereas, at a meeting of the directors of The Stormont Electric Light and Power Company, held on the 17th day of January, A. D. 1895, the president and secretary of the said company were authorized and empowered to execute this agreement on behalf of the company, and affix the corporate seal of the company.

Now, therefore, this agreement witnesseth that the parties of the first part hereby purchase, and the parties of the second part hereby sell and agree to convey by good and sufficient deed to the parties of the first part, lot number nine on the north side of Water street, in the town of Cornwall, together with the gas works and holder thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, franchises, property and effects thereunto belonging or in any wise appertaining thereto.

And the parties of the first part agree to pay to the parties of the second part the sum of thirteen thousand dollars for the said land and gas works in the manner following, viz.: Six thousand dollars in the bonds or debentures of The Stormont Electric Light and Power Company, which bonds or debentures are to bear date the 1st day of December, 1893, and be payable in twenty years from the date thereof, with coupons attached

thereto, for the payment of the interest at six per cent. per annum, payable half-yearly, at the office of the Ontario bank, in the town of Cornwall, and seven thousand dollars in paid up capital stock of the said company.

And the parties of the first part agree with the parties of the second part that they, the said Stormont Electric Light and Power Company, will issue the said bonds or debentures of the company and execute a mortgage to a trustee or trustees, to be agreed upon by the parties hereto, to secure the payment of the said bonds or debentures and the interest coupons attached thereto, upon the said land and gas works, mains, pipes, boilers, engines, machinery, plant and appliances hereinbefore described.

And the parties of the first part agree with the parties of the second part that they, the said Stormont Electric Light and Power Company, will allot or procure to be allotted or transferred to the parties of the second part seventy shares of the said paid-up capital stock of the company at the par value of seven thousand dollars.

And the parties of the first part agree with the parties of the second part that they, The Stormont Electric Light and Power Company, will take the necessary steps to procure an Act to be passed by the Legislature of the Province of Ontario, ratifying and confirming this agreement, and giving power to the said company to own and operate the said gas works in the town of Cornwall, and granting power to the said company to issue the said bonds or debentures, and to execute a mortgage as aforesaid, to secure the payment of the same and the interest coupons attached thereto, and to increase the capital stock of the company, or for such other powers as may be necessary to carry out the true intent and meaning of this agreement.

In witness whereof the president and secretary of the parties of the first part have subscribed their hands and affixed the corporate seal of the company, and the parties of the second part have subscribed their hands and seals.

WM. COLQUHOUN, President.	[SEAL.]
J. SKELTON, Secretary.	
A. DENNY.	[SEAL.]
JAMES LEITCH.	[SEAL.]
JOHN MCINTYRE.	[SEAL.]
R. R. MCLENNAN.	[SEAL.]

Signed, sealed and delivered in the presence of
JOHN MILDEN, as to signature of William Colquhoun, John Skelton, Archibald Denny, James Leitch, and John McIntyre.

ALEX. L. SMITH, as to signature of Roderick R. McLennan.

No. 41.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Stormont Electric Light and Power Company.

First Reading, 14th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 42.] **BILL.** [1895.

An Act to incorporate The Hamilton and Lake Erie Power Company.

Preamble.

WHEREAS, the honorable R. W. Scott of the city of Ottawa, in the county of Ottawa, Albert Romaine Lewis, Edward A. C. Pew, Peter Ryan, Thomas Home, Samuel Clarke Biggs, all of the city of Toronto, in the county of York, and Reverend William J. West, of Niagara Falls, in the state of New York, have by their petition represented that the construction of a watercourse and raceway from some point on the shore of Lake Erie, east of the village of Dunnville, in the county of Haldimand, and from some point on the Welland river, passing through the counties of Haldimand, Lincoln, Welland and Wentworth, to some point on Lake Ontario or Burlington bay, and the erection and operation by water power of electrical works thereon for the production of electrical energy will be a great advantage to the people of the Province of Ontario, and especially of the country, towns and cities in the vicinity of the said electrical works, and that can be reached from the said works including the cities of Hamilton and St. Catharines by supplying the inhabitants thereof, and the cities themselves, and the electrical railways running in reach thereof with electrical power, light and heat at the lowest possible costs, and whereas the said petitioners have prayed for an Act for that purpose, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said, the honorable R. W. Scott, Albert Romaine Lewis, Edward A. C. Pew, Peter Ryan, Thomas Home, Samuel Clarke Biggs and the Reverend William J. West, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the said company, shall be, and they are hereby declared to be a body corporate and politic under and by the name of The Hamilton and Lake Erie Power Company, hereinafter called the Company.

Provisional directors.

2. The said, the honorable R. W. Scott, Albert Romaine Lewis, Edward A C. Pew, Peter Ryan, Thomas Home, Samuel Clarke Biggs and the Reverend William J. West shall be the first or provisional directors of the said company.

Capital stock.

3. The capital stock of the said company shall be $1,000,000, divided into 10,000 shares of $100 each.

First election of directors.

4. When subcsriptions of capital stock in the said company to the amount of $100,000 shall have been subscribed, and ten per cent. paid thereon, the provisional directors shall call a meeting of the shareholders for the election of seven directors, giving at least two weeks' notice in the *Ontario Gazette* and in one weekly newspaper published in the city of Hamilton of the time and place of holding such meeting. The said meeting shall be held at the time and place fixed by the directors and mentioned in the said notice, and at the said meeting the shareholders shall elect seven directors who shall hold office until the date fixed for the next general annual meeting, and until their successors are elected.

Application of amounts paid up on.

5. The directors of the said company shall, when so elected, out of the money so paid in as aforesaid in the first place, apply the same to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and arrangements connected with the works hereby authorized, and the remainder of the said moneys shall be applied to the making, equipping, completing and maintaining of the said watercourse and raceway and works connected therewith and to no other purposes.

Special general meetings

6. Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon the publictation of such notice as is provided in the next to last preceding section.

Powers of company.

7. The said company shall have the right and power to construct, equip, maintain and operate a watercourse and raceway from some point on Lake Erie south and east of Dunnville, to some point on Lake Ontario at or near Bridgeport, in the township of Louth, and from some point on the Welland river within twenty-five miles from its junction with the Niagara river, northerly, to a point on the Jordan river, thence to Lake Ontario. With all such works, dams and wing-dams, docks, sluices, conduits, accessories and buildings as are necessary to give full effect to the intent of this Act; with power to dredge, deepen and widen the Chippewa creek, or Welland river from its mouth to the point of intersection of the said watercourse and raceway with the said Chippewa creek or Welland river, and also the Jordan river from its point of intersection with the said watercourse and raceway to Lake

Ontario, if so found expedient for the purposes of the company, provided however, that nothing herein contained shall permit of any power given in this Act being exercised in such a way as to interfere with the navigation of any river or navigable water; and provided further, that none of the works authorized by this Act shall be commenced until the plans thereof have been submitted to the Lieutenant-Governor in Council, and his sanction thereto has been obtained.

Right to use waters of certain lakes and rivers.

8. The said company shall have the right to use the waters of Lake Erie, the Niagara river, the Welland river, and such other rivers and streams as shall be available for that purpose in such quantities as may be requisite and necessary for the efficient and satisfactory running of the said works and for the purposes aforesaid; provided however, that nothing herein contained shall permit of any power being exercised in such a way as to interfere with navigation of any navigable water.

Construction of electric and pneumatic power works, etc.

9.—(1) The company shall have the right and power by means of, and through the works aforesaid, to construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power; to construct, maintain and operate intakes, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the company; to conduct, store, sell and supply electricity and pneumatic power; and with such pneumatic, electric or other conductors or devices, conduct, convey or furnish, or receive such electricity or power to or from any person or corporation at any place or places, through, under, over or along any property with respect to which they have acquired the right, and through, under, over or along the streets, highways and public places of any municipality or across or along any waters within the Province of Ontario by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the wires or conduits, subject however, to the following provisions, that is to say:

Rights of public on highways, etc., not to be interfered with.

(*a*) The company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building.

Wires, how to be placed on highways.

(*b*) The company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road without the consent of the municipal council having jurisdiction over the roads or streets of the municipality.

Poles, how to be erected.

(*c*) In all municipalities the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council.

Cutting wires in case of fire.

(*d*) Whenever, in case of fire, it becomes necessary for its extinction or in the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the company to demand or to claim compensation for any damage thereby incurred.

Responsibility of company for damages.

(*e*) The company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized.

Trees not to be injured.

(*f*) The company shall not cut down or mutilate any shade, fruit or ornamental tree.

Municipal regulation of construction of work on highways.

(*g*) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs; the council may also direct and designate the places where the poles are to be erected in such municipality; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the company.

Putting wires under ground.

(*h*) No Act of Parliament requiring the company, in case efficient means are devised for carrying electric wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act.

Workmen to wear numbered badges.

(*i*) No person shall labor upon the work of erecting or repairing any line or instrument of the company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the company and a number by which he can be readily identified.

Private property not to be entered on without consent of owner.

(*j*) Nothing herein contained shall be deemed to authorize the company, their servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of their works without the previous assent of the owner or occupant of the property for the time being.

Company to remove wires when necessary on notice.

(*k*) If in the removal of buildings, or if in the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed, it shall be the duty of the company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the company so doing, it shall be lawful for such persons to remove the same at the expense of the company, doing no unnecessary damage thereby; and such notice may

be given either at the head office of the company, or to any agent or officer of the company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there shall be no such agent or officer of the company, then, either at the head office, or to any agent or officer of the company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed.

Disturbing drainage or watercourses.

(*l*) The company shall make due provision for, take care and dispose of all water and drainage to the extent it shall disturb or interfere with the same, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said watercourse and raceway shall cross, touch or interfere with and which shall be in existence at the time of the construction of the said watercourse and raceway.

Matters to be referred to Lieutenant-Governor in case of disputes.

(*m*) All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alterations, enlargements and changes, and by whom the expense thereof shall be paid, as also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding paragraph shall be inquired into, heard and determined by the Lieutenant-Governor in Council in the same manner as is provided for other matters to be inquired into, heard and determined by the said Lieutenant-Governor in Council under *The Railway Act*, of Ontario.

Rev. Stat. c. 170.

Rights on highways to be subject to agreement with municipalities.

(2) The authority herein given with respect to such streets, highways and public places shall only be exercised subject to such agreement with respect thereto as is made between the company and the said municipalities respectively, and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

Taking stock in other power companies.

(3) The company may also take and hold stock in any corporation created for or engaged in the business of using or supplying water of the Niagara or Welland rivers, or of any corporation created for or engaged in the use of power, light or heat derived from such water, and may hold stock in any corporation which contracts to purchase, lease, or use any power or property of the company, and its stock may also be owned, held and voted on by any such corporation having the right to acquire the same.

Powers of provisional directors.

10. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and

recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the undertaking. The said directors, or a majority of them, or the board of directors to be elected as herein mentioned, may, in their discretion, exclude anyone from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said undertaking; and all meetings of the provisional board of directors shall be held at the city of Hamilton, in the county of Wentworth, or at such other place as may be selected by the said provisional board of directors.

Certain payments may be made in stock or bonds.

11. The said provisional directors, or the elected directors, may pay or agree to pay, in fully paid up stock or in bonds of the said company, or in both, for the right of way, material or plant: or for the laying out by engineers of the said watercourse and raceway, and the building of the same, or for the construction of the said electrical and other works connected with the undertaking, or for otherwise furthering the undertaking, either separately or in one contract, and may also pay for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the said undertaking, or in purchasing the right of way, material or plant aforesaid, such sums as they may deem expedient; and for the purposes aforesaid may issue the stock of the said company fully paid up, and also the bonds of the said company as empowered by this Act; provided always that if said promoters or other persons employed by them be provisional or elected directors of the company, such payment shall not be made unless the same shall be sanctioned by a two-thirds majority vote of the shareholders at any general meeting of the company, and if so sanctioned any payment so made shall be binding on the said company.

Head office.

12. The head office of the said company shall be at the city of Hamilton, or at such other place in the Province of Ontario as said company shall by by-law from time to time direct.

13. The company shall have the right and power to receive from any government or municipal council, or from any person or persons, aid towards the construction, equipment or maintenance of the works thereby authorized by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee or exemption from taxation or assessment. Aid to company.

14. The directors shall have the right and power, in case a by-law authorizing the same is duly passed by them and approved of by a vote of not less than two-thirds of the shareholders present in person or by proxy, at a meeting of the shareholders duly called for considering the said by-law, to borrow money upon the credit of the said company, and to issue the bonds, debentures or other securities of the said company, and to sell the said bonds, debentures or other securities, at such prices as may be deemed expedient or be necessary; but none of such bonds or debentures shall be for a less sum than one hundred dollars. Borrowing powers.

(*a*) The directors may, under a by-law passed and approved in like manner, hypothecate, mortgage or pledge the real and personal property of the company to secure any sum or sums borrowed for the purpose of the company. Pledging real and personal property of company.

(*b*) The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debentures which they may, under the powers of this Act, issue for the purposes of constructing, equipping, maintaining and operating any of the works authorized by this Act or otherwise. Pledging bonds of company.

(*c*) The company have the right and power to issue bonds, debentures or other securities in the manner provided by this section to an amount not exceeding $3,000,000. Limit of bonding powers.

15. The construction of the said work shall be commenced within two years and shall be completed within six years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as then remain incomplete. Time for commencement and completion of work.

16. Sections 10, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Railway Act of Ontario*, in so far as they can be applied to the company hereby incorporated, shall be and are hereby incorporated with and deemed to be part of this Act, and for the purposes of this Act wherever the word "railway" occurs in the said sections the words "watercourse and raceway" shall be substituted therefor. Application of certain clauses of Rev. Stat. c. 170.

17. The said company shall have power to construct a telephone line and a telegraph line in connection with, but for the purposes only of their watercourse and raceway and the works connected with and the business done by the said company. Telephone and telegraph lines.

Power to purchase whole lots of land when necessary.

18. Whenever it shall be necessary for the purpose of procuring sufficient land for the right of way, locks, power, reservoirs, etc., and for constructing maintaining and using the said watercourse and raceway, and the works connected therewith, the said company, in case the said company by purchasing the whole or a portion larger than required of any lot or parcel of land through which the said watercourse and raceway are to run, can obtain the same at more reasonable prices, or to a greater advantage than by purchasing the right of way only, may purchase the whole or a portion larger than required of any lot or parcel of land aforesaid, and hold and enjoy the said waters and lands, and also the right of way thereof from time to time as they may deem expedient; but the sections of *The Railway Act of Ontario* referred to in section 16 of this Act shall not apply to this section.

Rev. Stat. c. 170.

Form of conveyance of land to company.

19. Conveyances of land to the said company for the purpose of this Act may be in the form set out in schedule A to this Act or to the like effect, and shall be a sufficient conveyance to the said company, their successors or assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same and such conveyance shall be registered in such manner and upon such proof of execution as is required under the registry law of Ontario, and no register shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates of entries of the duplicates thereof.

Contracts for construction and equipment of work.

20. The said company may enter into a contract or contracts with any individual or association of individuals or corporation for the construction and equipment of their said works to be constructed and built under this Act, or any part thereof including or excluding the purchase of right of way and may pay therefor in whole or in part, either in cash bonds or debentures of the said company or in fully paid up stock of the company, or partly in each and for that purpose may issue bonds or debentures and fully paid up stock of the company, provided always that any such contract made by the said company shall not be of any force or validity until approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for the purpose of considering the said contract.

Application of Rev. Stat. c. 156.

21. *The Ontario Joint Stock Companies' General Clauses Act* shall in so far only as it is applicable and not inconsistent with, or repugnant to any of the provisions of this Act, apply to the said company and the works and improvements contemplated by this Act.

22. The said company on the one part and the council of the corporation of any municipality or municipalities within a practicable distance of the company's works on the other part, may enter into and carry into effect any agreement or agreements for a supply of electric heat, light and power and water, or either or any or all of them, as the case may require, upon such terms as may be agreed upon by and between the company and any such council, and for the purpose of supplying any municipality or municipalities or the inhabitants thereof with water or electric heat, light, power, or any or all of them, the company may, with the approval of the Lieutenant-Governor in Council, erect, construct, lay down and operate overhead or underground wires, mains, conduits, or other conductors of water or electric heat, light, power etc., through any other municipality, after obtaining the consent of the last mentioned municipality, by by-law duly passed by the council thereof. Agreements with municipalities for supplying electric light, heat and power.

23. Aliens as well as British subjects whether resident in Canada or elsewhere, may be shareholders in the said company and all of such shareholders shall be entitled to vote on their shares equally with British subjects and shall also be eligible to hold office as directors or otherwise in the said company and in all other ways shall enjoy all rights and privileges of shareholders as fully as they could do if British subjects. Rights of aliens.

SCHEDULE A.

Know all men by these presents that I, in consideration of dollars paid to me by "The Hamilton and Lake Erie Power Company" (the receipt whereof is hereby acknowledged) do grant and convey unto the said company in fee simple the following lands and premises, the same having been selected for the purposes of the said company, namely,
(*here insert description of lands*) to have and to hold the said lands and premises with the appurtenances unto the said company, their successors and assigns forever;
(*here insert any other clause, covenant or condition*)
and I, wife of the said do hereby bar my dower in the said lands.

As witness hand and seal this day of A. D. 1895.

Signed, sealed and delivered
In the presence of:

No 42.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Hamilton and Lake Erie Power Company.

First Reading 1895.

(Private Bill.)

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.] **BILL.** [1895.

An Act to incorporate the Hamilton, Burlington and Lake Shore Electric Railway Company.

WHEREAS Maitland Young, of the village of Burlington, in the county of Halton, George Allan, of the same place, and John Proctor, of the city of Hamilton, have prayed for an Act of incorporation under the name of "The Hamilton, Burlington and Lake Shore Electric Railway Company," for the purpose of constructing and operating an electric railway from the city of Hamilton by the north side of Burlington Bay to the village of Burlington, and thence on to the town of Oakville, in the county of Halton, and also from the said village of Burlington to the said city by way of Hamilton Beach; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Maitland Young, George Allan and John Proctor and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton, Burlington and Lake Shore Electric Railway Company." Incorporation.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron or steel railways, to be operated by electricity with double or single iron or steel tracks, from the city of Hamilton by the north side of Burlington Bay to the village of Burlington, in the county of Halton, and thence to the town of Oakville, in the county of Halton; also from the said village of Burlington to the city of Hamilton by way of Hamilton Beach, and the said railway may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and the said company may make and Location of line.

enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring right for electric works, etc.

3. The company may by expropriation or otherwise acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railway by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and the rights and liabilities of the said company in respect thereof shall be the same as provided by *The Railway Act of Ontario* in respect of lands required for the use of a railway, and along and upon any of the public roads and highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments; for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters. The rights hereby conferred upon the company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park without the consent of the commissioners thereof and the approval of the Lieutenant-Governor in Council.

Rev. Stat. c. 170.

Gauge.

4. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

5. The said Maitland Young, George Allan and John Proctor, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any

agreements respecting the conditions or dispositions of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the city of Hamilton, in the county of Wentworth, or at such other place as may best suit the interest of the said company. Rev. Stat., c. 170.

7. The capital stock of the company hereby incorporated shall be $250,000, (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 2,500 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock. Rev. Stat., c. 170.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions to stock not binding until approved

9. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least two week's notice of such meeting in the *Ontario Gazette* and in at least Final election of directors.

one newspaper published in the said city of Hamilton of the time, place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director.

Rev Stat., c 170.

Any director absent from a meeting of directors may by proxy authorize any other director to vote and act on his behalf, but no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxy.

Qualification of directors.

11. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least five shares of stock in the said company upon which all calls have been paid.

Head office, general annual meetings.

12. The head office of the said company shall be at the said city of Hamilton, and the general annual meetings of the shareholders of the said company shall be held in such place in the said city of Hamilton, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given by at least two insertions in the *Ontario Gazette* and once a week in one newspaper published in the said city of Hamilton, during the two weeks preceding the week in which such meeting is to be held.

Special general meetings.

13. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Rights of aliens.

14. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangement with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided, also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Acquiring lands for parks and pleasure grounds.

16. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for Supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Powers as to production and use of electricity.

Rev. Stat. c. 165.

17. Wherever the said railway or the cars, carriages, engines, motors or machinery of the company are carried, operated or worked on, over, through, under or along any street, highway, or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, and under and subject to any by-law or by-laws of the council of the said municipality, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railway, or the cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway, or public place, nor be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Use of highways by company.

18. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies if so lawfully authorized, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock and other movable property from

Power to enter into contracts with other companies or persons for hiring rolling stock, etc.

such companies or persons, or for supplying to the company electricity for power or steam or other power for the production of electricity, for such time or times and on such terms as may be agreed on ; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Contracts for supplying electricity for motive power or lighting rolling stock

19. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power, or with any railway company or other company or companies, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same or for any other purpose for which it may be required by the said company to carry on and operate the railway hereby authorized to be constructed, or for supplying steam or other power for the production of electricity for the purposes of the railway.

Running arrangements with other companies.

20 The company shall have power to enter into any agreement or agreements with any railway company or other company for the lease, hiring or use by the one or the other of the contracting companies of the lands, tracks or structures of the other or others of them, or of any portions thereof, on such terms as to compensation and otherwise as may be agreed on.

Telegraph and telephone lines.

21. The said company may also construct an electric telegraph line and telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company ; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company ; provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Issue of bonds.

22. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria,

Rev. Stat., c. 170.

shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with, the provisions of the said sub sections.

Making certain payments in stock or bonds.

23. The said directors or provisional directors may pay, or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

24. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Conveyances of land to company.

25. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Power to purchase whole lots.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the said railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring materials for construction of line.

27. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

28.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

29. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to railway.

30. Any municipality through which the railway may pass or be situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railway, and the railway company, shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Gifts of land from municipalities.

31. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under any subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways. Aid from municipalities.

32. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Submitting bonus by-laws to ratepayers.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto. 55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified under *The Consolidated Municipal Act 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-laws, what to contain.

33. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

34. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

35. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

36. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law submitted.

37. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law and pass the same. Council to pass by-law if assented to by ratepayers.

38. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

39. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of 55 V. c. 42.

40. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend time for commencement.

41. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time. Councils may extend time for completion.

42. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than Extent of aid from municipalities.

three cents on the dollar upon the value of the ratable property therein.

Issue of debentures.

43. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of proceeds of debentures.

44. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Hamilton, Burlington and Lake Shore Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

45. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

46. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Exemptions from municipal taxation.

47. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power houses, warehouses, docks, etc.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof, upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges on goods.

49. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat., c. 170.

50. The railway shall be commenced within two years and completed within five years after the passing of this Act. Commencement and completion of line.

SCHEDULE A.

(Section 25.)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (*or* us), by "The Hamilton, Burlington and Lake Shore Electric Railway Company," the receipt whereof is hereby acknowleged, do grant and convey unto the said company, and I (*or* we) *insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*), of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said "The Hamilton, Burlington and Lake Shore Electric Railway Company," their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I, (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our, dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

SCHEDULE B.

(Section 44.)

Chief Engineer's Certificate.

The Hamilton, Burlington and Lake Shore Electric Railway Company's Office.

No. A.D. 18

(Engineer's Department.)

Certificate to be attached to cheques drawn on "The Hamilton, Burlington and Lake Shore Electric Railway Company Municipal Trust Account" given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of "The Hamilton, Burlington and Lake Shore Electric Railway Company," do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 43.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Hamilton, Burlington and Lake Shore Electric Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.] BILL. [1895.

An Act to incorporate the Hamilton, Burlington and Lake Shore Electric Railway Company.

WHEREAS Maitland Young, of the village of Burlington, in the county of Halton, George Allan, of the same place, and John Proctor, of the city of Hamilton, have prayed for an Act of incorporation under the name of "The Hamilton, Burlington and Lake Shore Electric Railway Company," for the purpose of constructing and operating electric *railways* from the city of Hamilton by the north side of Burlington Bay to the village of Burlington, and thence on to the town of Oakville, in the county of Halton, and also from the said village of Burlington to the said city by way of Hamilton Beach; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Maitland Young, George Allan, John Proctor, George S. Proctor and Ralph E. Young, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton, Burlington and Lake Shore Electric Railway Company." Incorporation.

2. The said company is hereby authorized and empowered to survey, lay out, construct, *make*, complete, *alter and keep in repair* iron or steel railways, to be operated by electricity with double or single iron or steel tracks, from the city of Hamilton by the north side of Burlington Bay to the village of Burlington, in the county of Halton, and thence to the town of Oakville, in the county of Halton; also from the said village of Burlington to the city of Hamilton by way of Hamilton Beach, and the said railways or either of them or any part thereof may be carried along and upon such *public* highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained and under and subject to any agreements hereafter to be made between the said company and the *councils* of any of the said cor- Location of line.

porations and road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

Provisional directors.

3. Maitland Young, George Allan, John Proctor, George S. Proctor and Ralph E. Young, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of provisional directors.

4. All meetings of the provisional board of directors of the said company shall be held at the city of Hamilton, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $300,000, to be divided into 3,000 shares of $100 each.

Board of directors.

6. The board of directors of the said company shall consist of five persons who shall be elected in the manner prescribed by *The Electric Railway Act, 1895*, and shall possess the qualifications hereinafter mentioned.

Qualification of directors.

7. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least five shares of stock in the said company upon which all calls have been paid.

Head office—meetings of company.

8. The head office of the said company shall be at the said city of Hamilton, and all general meetings of the said company, whether annual or special, shall be held in such place in the said city of Hamilton, or in such other place and on such days and at such hours as may be directed by the by-laws of the said company, and upon such notice as is prescribed by *The Electric Railway Act, 1895*.

Agreement with Grand Trunk Railway Co.

9. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, the said company shall have power to enter into any agreement with the Grand Trunk Railway Company of Canada, if lawfully authorized to enter into such an agreement, for the leasing, hiring or use by the said company of the lands, tracks or structures of the Grand Trunk Railway Company of Canada, or any portions thereof, on such terms as to compensation and otherwise as may be agreed on; provided that electric power only shall be used in operating

any portion of the company's line; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Issue of bonds.

10. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway, and the provisions of sections 20, 21, 22, 23, 24 *and 25 of The Electric Railway Act, 1895*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with, the provisions of the said sections.

Application of Electric Railway Act.

11. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Electric* Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

12. The railway shall be commenced within two years and completed within five years after the passing of this Act.

No. 43.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Hamilton, Burlington and Lake Shore Electric Railway Company.

First Reading,	12th	March, 1895.
Second Reading,	5th	March, 1895.

(Private Bill.)

(Reprinted as amended by Railway Committee.)

Mr Awrey.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 44.] BILL. [1895.

An Act to enable the Corporation of the Town of Port Hope to issue Debentures for High School Purposes.

Preamble.

WHEREAS the corporation of the town of Port Hope have by their petition, represented that the Port Hope High School Board has, within the present year, duly made application to the municipal council of the said town, in the manner provided in *The High Schools Act 1891*, for the sum of $10,000, required by the said board for permanent improvements, namely for the erection of a new high school building and the purchase of a site therefor; and that the said municipal council approves of such application, and desires to issue debentures therefor in the manner provided in the said *The High Schools Act 1891;* but that by section 9 of an Act passed in the 49th year of Her Majesty's reign and chaptered 64, the corporation is prevented from incurring any further debt or liability than is provided for in the said Act, except the yearly current expenses to be paid out of the annual assessment; and that the debt or liability, provided for in the said Act, has been incurred; and that the high school building, at present in use in the said town, is inadequate to the requirements of the said town, and unsuitable in many respects for the purposes of a high school, and the educational interests of the said town and the surrounding country are seriously prejudiced by the want of a proper building and equipment for the said high school; and have prayed that they may be enabled to incur a further debt or liability, to the extent of $10,000, by the issue of debentures, in the manner provided in *The High Schools Act 1891*, for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures for $10,000 for erection of high school.

1. Notwithstanding the provisions of section 9 of the said Act passed in the 49th year of Her Majesty's reign, chaptered 64, or any other provision in the same or any other Act, it shall be lawful for the corporation of the town of Port Hope to incur a further debt or liability to the extent of $10,000, and

to issue debentures therefor in the manner provided in *The* 54 v. c. 57. *High Schools Act 1891*, for the purpose of complying with the application made by the Port Hope High School Board for the said sum of money, required by the said board for permanent improvements, namely for the erection and equipment of a new high school building, and (if considered advisable by the said board) for the purchase of a new site therefor.

Application of moneys borrowed.

2. The moneys to be raised as aforesaid shall be applied to the purposes aforesaid and to and for no other purpose whatsoever.

No. 44.

1st Session, 8th Legislature. 58 Vict., 1895.

BILL.

An Act to enable the Corporation of the Town of Port Hope to issue Debentures for High School Purposes.

First Reading 1895.

(Private Bill.)

Mr. FALLIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 44.] **BILL** [1895.

An Act to enable the Corporation of the Town of Port Hope to issue Debentures for High School Purposes.

Preamble

WHEREAS the corporation of the town of Port Hope have by their petition, represented that the Port Hope High School Board has, within the present year, duly made application to the municipal council of the said town, in the manner provided in *The High Schools Act 1891*, for the sum of $10,000, required by the said board for permanent improvements, namely for the erection of a new high school building and the purchase of a site therefor; and that the said municipal council approves of such application, and desires to issue debentures therefor in the manner provided in the said *The High Schools Act 1891;* but that by section 9 of an Act passed in the 49th year of Her Majesty's reign and chaptered 64, the corporation is prevented from incurring any further debt or liability than is provided for in the said Act, except the yearly current expenses to be paid out of the annual assessment; and that the debt or liability, provided for in the said Act, has been incurred; and that the high school building, at present in use in the said town, is inadequate to the requirements of the said town, and unsuitable in many respects for the purposes of a high school, and the educational interests of the said town and the surrounding country are seriously prejudiced by the want of a proper building and equipment for the said high school; and have prayed that they may be enabled to incur a further debt or liability, to the extent of $10,000, by the issue of debentures, in the manner provided in *The High Schools Act 1891*, for the purposes aforesaid; and whereas no one has appeared to oppose the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures for $10,000 for erection of high school.

1. Notwithstanding the provisions of section 9 of the said Act passed in the 49th year of Her Majesty's reign, chaptered 64, or any other provision in the same or any other Act, it shall be lawful for the corporation of the town of Port Hope to

incur a further debt or liability to the extent of $10,000, and to issue debentures therefor in the manner provided in *The High Schools Act 1891*, for the purpose of complying with the application made by the Port Hope High School Board for the said sum of money, required by the said board for permanent improvements, namely for the erection and equipment of a new high school building, and (if considered advisable by the said board) for the purchase of a new site therefor.

54 v. c. 57.

Application of moneys borrowed.

2. The moneys to be raised as aforesaid shall be applied to the purposes aforesaid and to and for no other purpose whatsoever.

No. 44.

1st Session, 8th Legislature. 58 Vict., 1895.

BILL.

An Act to enable the Corporation of the Town of Port Hope to issue Debentures for High School Purposes.

First Reading, 14th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. FALLIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.] **BILL.** [1895.

An Act to confirm a By-law of the Town of Cornwall.

Preamble.

WHEREAS, the Separate School Board of the town of Cornwall, the Cornwall Manufacturing Company, the Canadian Colored Cotton Mills Company and the town of Cornwall, by their respective petitions have prayed that an Act may be passed confirming by-law number eight, of the year 1895, of the corporation of the town of Cornwall, which said by-law is fully set forth in schedule A to this Act, the said by-law being a by-law of the municipal corporation of the town of Cornwall, ratifying, confirming and giving effect to an understanding arrived at by the town council of the year 1894, by which the school taxes upon the properties described in certain by-laws numbers six, seven and eight of the year 1894, should go to public and separate schools, in proportion to the assessment of public and separate school supporters; and whereas, said by-law was passed by the said municipal council of the town of Cornwall upon the request of a large number of the ratepayers of the said town; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 8 for 1895 confirmed.

1. The said by-law of the municipal corporation of the town of Cornwall, number eight, of the year 1895, and set forth in full in schedule A to this Act, is hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Consolidated Assessment Act 1892*, or any other Act, to the contrary notwithstanding.

55 V., c. 48.

SCHEDULE A.

By-law No. 8.

By-law of the municipal corporation of the town of Cornwall ratifying, confirming and giving effect to an understanding arrived at by the town council of the year 1894, by which the school taxes upon the properties described in by-laws numbers six, seven and eight of the year 1894, should go to public and separate schools in proportion to the assessment of public and separate school supporters.

Whereas, the corporation of the town of Cornwall, on or about the 5th day of February, A.D 1894, passed certain by-laws directing that taxes should only be collected upon forty per cent. of the assessed value, in the usual way, upon the property of the Canadian Colored Cotton Mills Company known as the old part of the Canada Cotton Company's mill, and on the property of the Cornwall Manufacturing Company as described in by-law number seven, of the year 1894.

And whereas the corporation of the town of Cornwall passed a by-law, being by-law number eight, of the year 1894, exempting that portion of the Canadian Colored Cotton Mills Company's property known as the weave shed of the Canada Cotton Company's mill from municipal taxation for a period of ten years, leaving same, however, subject to school taxes.

And whereas said by-laws numbers six and seven were confirmed and declared legal, valid and binding by chapter 63 of 57 Victoria, Statutes of Ontario.

And whereas at the time said by-laws were before the council of the town of Cornwall it was distinctly understood that the school taxes of the said properties as set out in the said by-laws should be distributed in proportion to the assessment as between public and separate schools in the town of Cornwall.

And whereas in pursuance of the said understanding the said companies passed resolutions directing that a certain proportion of said school taxes should go to the separate schools.

And whereas owing to the provisions of *The Assessment Act* the court of revision, before whom the matter came, were unable to carry out the understanding arrived at by the said council.

And whereas a large number of ratepayers have petitioned the council of the corporation of the town of Cornwall that said understanding should be carried out.

And whereas the said council having fully considered the petition presented to them in favor of a division of school taxes, as well as the petition against such division, found that at the time of passing said by-laws six, seven and eight it was understood by the council of 1894 that the school taxes were to go to public and separate schools in proportion to assess-

ment of public and separate school supporters, and have recommended that steps be taken to give effect to such understanding, and that a by-law be passed for such purpose, subject, however, to the ratification of the local legislature of the Province of Ontario.

And whereas it has been ascertained by the council of the corporation of the town of Cornwall that the average assessment for the past ten years as between public and separate schools has been in the following proportion, viz.: about seventy per cent. public schools and thirty per cent. separate schools.

And whereas the corporation of the town of Cornwall desires to give effect to said understanding, in so far as it is possible for them to do, and the said companies have signified their willingness that such understanding should be carried out.

Be it therefore enacted and it is hereby enacted a by-law of the corporation of the town of Cornwall:

1. That the school taxes levied upon that portion of the Canadian Colored Cotton Mills Company's property known as the weave shed of the Canada Cotton Company's mill shall be divided as between public and separate schools of the town of Cornwall during the residue of the term covered by said by-law number eight in the following proportions, viz.: seventy per cent. to public schools and thirty per cent. to separate schools.

2. That the school taxes to be levied upon the Cornwall Manufacturing Company, and that portion of the Canadian Colored Cotton Mills Company known as the old part of the Canada Cotton Company's mill, both said properties being more particularly described in said by-laws numbers six and seven of the town of Cornwall for the year 1894, shall be divided as between public and separate schools in the town of Cornwall during the residue of the term covered by said by-law number eight, in the following proportions, viz.: seventy per cent. to public schools and thirty per cent. to separate schools.

Provided that this by-law shall not come into force until such time as same is confirmed by an Act of the local legislature of the Province of Ontario.

This by-law passed in open council this fifteenth day of February, A.D. 1895.

(Sgd.) A. E. MULHAN,
Mayor.

(Sgd.) GEORGE G. S. JARVIS,
Town Clerk.

No. 45.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm a By-law of the Town of Cornwall.

First Reading, 1895.

(Private Bill.)

Mr. BENNETT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 46.] **BILL.** [1895.

An Act respecting The Oshawa Railway Company and the Township of East Whitby.

WHEREAS, The Oshawa Railway Company have, by petition, prayed that an Act may be passed ratifying and confirming a by-law of the township of East Whitby, numbered 542, passed on the 22nd day of August, 1894, and an agreement dated the 22nd day of August, 1894, entered into between the said company and municipality; and whereas, it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 542 of the municipal corporation of the township of East Whitby, set forth in schedule A to this Act, and the agreement entered into between The Oshawa Railway Company and the corporation of the township of East Whitby, and dated the 22nd day of August, 1894, which is set forth in schedule B to this Act, are hereby ratified and confirmed, and declared to be valid and binding upon the said corporation and the ratepayers thereof and upon the said company, according to the terms thereof. By-law 542 of East Whitby and agreement with company confirmed.

SCHEDULE A.

BY-LAW No. 542.

A by-law to authorize The Oshawa Railway Company to construct a railway on and along certain highways in the township of East Whitby.

The municipal council of the corporation of the township of East Whitby enacts as follows:

The Oshawa Railway Company is hereby authorized to make and construct a railway with necessary turnouts on and along that certain highway in the township of East Whitby, in the county of Ontario, which extends in a southerly and

easterly or southeasterly direction from the southerly limit of Simcoe street, in the town of Oshawa, in said county, to the wharf and harbor of The Oshawa Harbor Company (Limited) at Port Oshawa, on lake Ontario, in said county, on and along the said highway from the extreme northerly to the extreme southerly limit of that portion of said highway so as above defined, the said highway being the main travelled road, extending southeastward from the said southerly limit of Simcoe street to the Oshawa harbor aforesaid; and also to make and construct branches from said railway on and along said highway eastward to the lands of The Grand Trunk Railway Company of Canada, near the Oshawa station; and also a branch from such main line of railway westward on and along the highway, running from said highway to the lands of The A. S. Whiting Manufacturing Company, near the works of the last mentioned company, at Cedar Dale, but on and under such conditions and terms as the council may hereafter agree upon with the said railway company, and subject to any such restrictions contained in *The Railway Act of Ontario* and any other Acts affecting said railway, as are legally imposed upon and applicable to said railway.

Passed this 22nd day of August, 1894.

[Corporate Seal.]

(Sgd.) GEO. E. MOWBRAY,
Reeve.

(Sgd.) WM. PURVIS,
Clerk.

SCHEDULE B.

This agreement made in duplicate the twenty-second day of August, A. D. 1894, between the corporation of the township of East Whitby, hereinafter called "the corporation," of the first part, and The Oshawa Railway Company, hereinafter called "the company," of the second part;

(*a*) Whereas it is in the interests of and to the advantage of the said township and of persons using the company's line of railway that the same should, so far as relates to that portion of it hereinafter mentioned, be laid upon the street or road hereinafter mentioned;

(*b*) And whereas the council of the corporation, at a meeting held on the 7th day of August, 1894, passed a resolution authorizing the company to lay down and construct a track for the railway from the southern portion of Simcoe street in the town of Oshawa along the road leading to Port Oshawa to a point six rods south of the ground of The Grand Trunk Railway Company at the station of The Grand Trunk Railway Company called Oshawa, in the said township, and to make

necessary turnouts for the purpose of reaching said station, and to work the said railway, using electricity as a motive power therefor, along said highway, and providing that on the signing of an agreement as to the use of the said road satisfactory to this council or its solicitor, a by-law in accordance with section 636 of *The Consolidated Municipal Act 1892*, will be passed;

(*c*) And whereas at a meeting of said council of said corporation, duly held on the twenty-second day of August, A. D. 1894, the said council passed a by-law authorizing the company to lay down and construct a track for their said railway on the parts of said road hereafter mentioned connecting with the southern termination of that part already authorized and extending to Port Oshawa and the Oshawa Harbor Company's docks, with all necessary turnouts, not to include double track, upon the same conditions as set out in the said resolution of the 7th day of August, A. D. 1894;

(*d*) And whereas these presents are the agreement referred to in said resolution and by-law: Now these presents witness that in consideration of the premises the corporation and the company do for themselves, their successors and assigns covenant with each other as follows:

1. In constructing and building the said railway it shall be lawful for the company to lay down, build and construct its railway track and all turnouts necessary to connect the same with the line of The Grand Trunk Railway and otherwise, and erect such poles as may be necessary for maintaining wires and appliances necessary for working the company's railway by electricity along the road known as the Nonquon road, being the road leading through the broken front concession of said township from the base line at the southern extremity of Simcoe street in the town of Oshawa, to the dock of The Oshawa Harbor Company, Limited, at Port Oshawa in said township; also to lay down, construct and maintain sidings as aforesaid on such road and to cross any and all roads of said township which it may become necessary to cross in the construction of the company's railway.

But provided as to so much of the said road as lies to the east of Cornelius Robinson's brick house at Port Oshawa, the same is not to be occupied by the company until the company shall have provided a suitable piece of ground to the extent of half an acre within twenty-five rods of the said Robinson's house, or at such other greater distance therefrom as may be approved of by the council, the said parcel of ground to be so provided and kept for the purpose and to the end that people of the township of East Whitby, and also such other as the company may permit, may, from time to time, as they see fit, temporarily leave their teams and vehicles there without charge. The said lot to be so fenced that horses may be hitched to the posts thereof.

2. The plans submitted for approval to the railway committee shall provide for laying the company's track and necessary turnouts on said road as follows:

On that portion of said highway lying between the southerly limit of Simcoe street aforesaid and a point on said highway six rods southward from the intersection of said highway with the southerly limit of The Grand Trunk Railway Company of Canada, the railway to be constructed hereunder shall be so constructed along the centre portion of the roadbed or travelled portion of said highway, except at the curves for entering upon The Grand Trunk Railway Company's lands. And from this firstly described portion of section of said highway southward to the line of the southerly limit of the lot now occupied by Mrs. Cleverdon, situate on a street running easterly from the Nonquon road, the company may, at its option, widen at its own expense the roadbed or travelled portion of said highway to such an extent as to make such roadbed thirty feet wide and construct their railway along the centre portion of such roadbed as to widen and if constructed on such last mentioned centre portion the company shall be bound to keep the ties thereon at all times covered with gravel and maintain the road above the same, but in lieu of so widening such roadbed the company may wholly construct its railway along the portion of said highway lying immediately to the eastward of a line parallel at all points to the westerly limit of said roadbed, but distant twenty-two feet easterly from said westerly limit of said roadbed. The ties in this section in such case to be buried. And on the remaining portion of said highway from the line of said southerly limit of said Mrs. Cleverdon's said lot to the docks aforesaid of said The Oshawa Harbor Company, Limited, at Port Oshawa, the said railway shall be constructed along said highway to the eastward and northward of the present roadbed, if there is sufficient room therefor within the limits of said highway, and if not sufficient room there for that purpose, then on the opposite side of said highway as lawfully established. And provided, also, that along said highway eastward from the turn at or near the brick house owned or occupied by Cornelius Robinson at Port Oshawa aforesaid to the docks aforesaid the company shall have the right to construct said railway along the centre of said highway.

The public shall have the right to use the portion of the highway between the rails at all times when not required for use by the company's trains, motors or cars, but the company is at all times to have the preferential right of way so far as the council has or shall acquire power to grant the same.

Where the company's railway line occupies the centre or part of the central portion of the highway, any ice or snow removed from the track may be distributed over the rest of the highway, but not piled in heaps so as to unnecessarily obstruct traffic.

The granting by the corporation to the company of any of the rights by this agreement or said by-law conceded, shall not be deemed or construed as prejudicially affecting any right

or power of taxation which may hereafter be lawfully vested in said corporation by valid legislation.

In constructing the railway, care must be exercised by the company not to unlawfully or negligently obstruct the highway, and the company agrees to indemnify the corporation against any damage from any action which may be brought in respect thereof, or of any other damage arising from the construction of the railway.

The company agrees to construct and maintain, except as hereinafter mentioned, an iron bridge twenty feet wide in lieu of and on the site of the present bridge on said highway across the creek, such bridge to be for the joint use of the company for the purposes of its railway and of the public for a highway, but subject to the preferential right of way which the company is declared to have as against all persons for the passage of its motors, cars and trains, the corporation agreeing to plank such bridge so as to fit same for use by the public as a highway and to at all times maintain such planking, and it being agreed also that the company shall have the right not only to use the centre portion of the highway at such bridge, but also along the regular approaches, at the present grade or at such higher grade as the company may see fit to raise the same to, for one hundred and fifty feet on each side of the bridge.

It is further understood and agreed that with the consent of the said council the location of any portion of said railway may, notwithstanding anything hereinbefore contained, be altered by the company to any other position on said highway than that hereinbefore agreed upon.

In erecting the trolley poles hereinbefore mentioned or referred to, the same shall be so placed as not to obstruct the travel over the roadbed or travelled portion aforesaid of said highway, and only such cutting down or trimming of trees shall be done by the company as shall be reasonably required for the proper construction and maintenance of said railway on and along said highway.

In case a branch road is hereafter built from the main line westward along the highway to the Cedar Dale Works the same shall be so constructed with buried ties as not to interfere unnecessarily with the traffic over such last mentioned highway.

3. For the purpose of this agreement the said railway on said road shall be completed by the 1st day of January, 1896.

4. The corporation shall afford every reasonable assistance in procuring the approval of the company's plans by the Railway committee and the execution of the subsidy agreement by the Minister of Railways.

5. The company shall use electricity only in operating its railways along said highway unless the corporation consents to the use of other motive power.

6. Both parties will use all lawful means to obtain an Act of the Legislature of Ontario confirming and making valid this agreement in all respects, and relieving the corporation

from all liability, if any, in respect of the construction or working of said railway, and the company shall pay the expenses of applying for or procuring such legislation.

7. The company will pay the legal expenses subject to taxation, but not to exceed seventy-five dollars as a maximum amount, of the township of and incidental to this agreement and the passage of a by-law under *The Consolidated Municipal Act 1892*, as aforesaid and the legislation aforesaid.

In witness whereof the parties hereto have hereunto affixed their corporate seals, and the reeve and clerk of the said township have hereunto set their hands, and the president and secretary of the said company have set their hands hereto.

(Sgd.) GEO. E. MOWBRAY,
Reeve.
(Sgd.) JNO. E. FAREWELL,
[Corporate Seal] Tp. Solicitor.
(Sgd.) WM. PURVES,
Clerk.

Witness: L. K. MURTON.

(Sgd.) F. S. RATHBUN,
[Corporate Seal] President, Secretary & Treas.
(Sgd.) R. C. CARTER,
General Manager.

As to execution by The
Oshawa Railway Company,
(Sgd.) CHAS. H. DAY.

No. 46.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act respecting The Oshawa Railway Company and the Township of East Whitby.

First Reading,

(Private Bill.)

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 47.] **BILL.** [1895.

An Act to incorporate The Toronto, Hamilton and Niagara Falls Electric Railway Company.

Preamble.

WHEREAS John Flett, John Taylor Gilmour, Herbert Hartly Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home and Samuel Clarke Biggs all of the city of Toronto in the county of York, and the Honorable R. W. Scott, of the city of Ottawa in the county of Ottawa, have by their petition prayed for an Act of incorporation under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" for the purpose of constructing and operating electric railways from the city of Toronto along Dundas Street to some point in the city of Hamilton passing through the township of York to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Annes, Nelson and Burlington in the township of Nelson, then across Burlington Beach through the townships of Saltfleet and Barton to the city of Hamilton and also from the said point in the city of Hamilton to some point on the Niagara river at or near the Niagara Falls, passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford including the village of Niagara Falls south and the town of Niagara Falls; and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsboro', Moulton and Moncton; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation.

1. The said John Flett, John Taylor Gilmour, Herbert Hartly Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home, Samuel Clarke Biggs, all of the city of Toronto in the county of York, and the Honorable R. W. Scott, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" hereinafter called the "company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron and steel railways to be operated by electricity, with single or double iron or steel track or tracks, from some point in the city of Toronto to be selected by the said company, thence to and along what is known as Dundas street, to some point in the city of Hamilton, passing from the city of Toronto, through the township of York, to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Annes, Nelson and Burlington, in the township of Nelson, thence across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton and also from the said point in the city of Hamilton to some point on the Niagara river, at or near Niagara Falls passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford including the village of Niagara Falls south and the town of Niagara Falls, and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsboro' and Moulton and the said railways or any of them may be carried along and upon such streets and highways as may be authorized by the by-laws of the corporations respectively having jurisdicton over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereinafter to be made between the council of any of the said corporations and the said company; and make and enter into any agreements with any municipal corporation, or road company, as to the terms of occupancy of any street or highway subject to the provisions of *The Consolidated Municipal Act 1892*, and any Act or Acts amending same.

55 V. c. 42.

Acquiring rights for obtaining electricity for purposes of railway.

3. The company is hereby authorized and empowered to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act authorized to be built, and to lay conduits or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the said company, and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways nor to be a nuisance thereto, or to impede the free access to any house or other

building erected in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters. The rights hereby conferred upon the company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park without the consent of the commissioners thereof and of the approval of the Lieutenant-Governor-in-Council.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

5. The said John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home, Samuel Clarke Biggs, and the Honorable R. W. Scott shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. A majority of the said provisional directors shall be a quorum for the transaction of the business of the said company. Provisional directors. Quorum.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon the subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for the stock who in their judgment would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of Toronto, in the county of York, or at such other place as may best suit the interests of the said company. Powers of provisional directors. Rev. Stat., c. 170.

7. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*), to be Capital stock. Rev. Stat. c. 170.

divided into 10,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing, and maintaining of the said railways, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

Subscriptions for stock, when binding.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors nor unless the ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First election of directors.

9. When and as soon as shares to the amount of $100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least two weeks' notice of such meeting in *The Ontario Gazette* and in at least one newspaper published in the said city of Toronto of the time, place, and purpose of the said meeting.

Number of directors, quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in the manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations, and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 170.

11. The head office of the said company shall be at the city of Toronto, and the general annual meetings of the shareholders of the said company shall be held at such place in the said city of Toronto, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least two weeks' previously in *The Ontario Gazette* and once a week in one newspaper published in the said city of Toronto during the two weeks preceding the week in which such meeting is to be held. Head office, general annual meeting.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section. Special general meetings.

13. The said provisional directors or the elected directors may pay or agree to pay in cash or fully paid up stock, or in bonds of the said company or in both, for the right of way, materials, plant or rolling stock, or for the laying out by engineers of the said road and the building of the same, or for the construction of the said road, or for otherwise furthering the undertaking, either separately or in one contract; and may also pay or agree to pay for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the said undertaking, or for the purpose of purchasing the right of way, material, plant or rolling stock aforesaid, such sums as they may deem expedient; and for any and all of the purposes aforesaid may issue the stock of the said company fully paid up and the bonds of the said company as empowered by this Act; provided always that if said promoters or other persons employed by them be provisional or elected directors of the company such payment shall not be made unless the same shall be sanctioned by a two thirds' majority vote of the shareholders at any general meeting of the company, and if so sanctioned, any payment so made shall be binding on the said company. Payments in stock or bonds. Proviso.

14. No person shall be qualified to be elected a director by the shareholders unless he be a shareholder, holding at least ten shares in stock in the said company upon which all calls have been paid. Qualification of directors.

15. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The* Power to construct line in sections. Rev. Stat. c. 170.

Railway Act of Ontario and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may, from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys."

Acquiring lands for parks or pleasure grounds.

16. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporation of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 500 acres; and provided also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Proviso.

Proviso.

Rights of aliens.

17. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects and shall also be eligible for office as directors in the said company.

18. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Powers as to production and use of electricity.

Rev. Stat. c. 165.

19. Wherever any of the said railways, or their cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place, of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and subject also, in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of one-half in number of the owners of property fronting on such street or highway where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Use of highways by company.

20. Except in cities, towns and incorporated villages the railway of any company (operated by steam), shall not be crossed or intersected by the railways of the company hereby incorporated at grade.

Crossing railways at grade

21. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures thereof shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within

Issue of municipal debentures and delivery to trustees.

Proviso.

one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise become incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

22. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

23. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies lawfully authorized to enter into such agreement or agreements, or with any person or persons, for leasing, hiring or using any electric motors, carriages, cars, rolling stock and other movable property belonging to such companies or persons for such time or times and on such terms as may be agreed upon; and also to enter into agreements with any railway company or companies lawfully authorized to make the same for the use by one or more of such contracting companies of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements with electric light companies.

25. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and to operate the railways hereby authorized to be constructed.

Telegraph and telephone lines.

26. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Proviso.

Issue of bonds.

27. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways; and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-section.

Rev. Stat., c. 170.

Calls on stock.

28. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call to each shareholder by letter, posted to him, addressed to his address as entered in stock book.

Negotiable instruments.

29. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so

made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued, without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory notes or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Conveyances of land to company.

30. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicate thereof.

Mortgaging or pledging bonds.

31. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railways.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 170.

Acquiring material for construction.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railways or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of

arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadways, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 170.

Sidings to gravel pits.

34—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

Rev. Stat., c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Aid to railways.

35. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Gifts of land from municipalities.

36. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government

or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities.

37. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways, or through any part of which or near which the railways or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Submitting bonus by-laws.

38. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves in each of the minor municipalities of the county or of fifty resident freeholders who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

39. Such by-laws shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the applica-

tion of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

40. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, and ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county in which the said minor municipalities or portions thereof are situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any portion thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the said arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

41. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law submitted.

42. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

43. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to issue debentures after passing by-law.

44. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rates.

45. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

46. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Council's may extend time for commencement.

47. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law from time to time to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus; provided, that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

49. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate, for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation

50. It shall be lawful for the corporation of any municipality, through any part of which the railways of the said company pass, or in which they are situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation

or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

52. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the said company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railways.

Payment of back charges on goods.

53. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

54. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same

Incorporation of provisions of Rev. Stat. c. 170.

55. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses

of the said railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

56. The railways shall be commenced within two years and completed to the city of Hamilton within four years, and finally completed within six years after the passing of this Act

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SCHEDULE A.

(*Section 30.*)

Know all men by these presents that I, in consideration of dollars paid to me by "The Toronto, Hamilton and Niagara Falls Electric Railway Company" (the receipt whereof is hereby acknowledged) do grant and convey unto the said company in fee simple, the following lands and premises, the same having been selected for the purpose of the said company, namely: (*here insert description of land*) to have and to hold with the appurtenances unto the said "The Toronto, Hamilton and Niagara Falls Electric Railway Company," their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I

the wife of the said do hereby bar my dower in the said lands.

As witness my hand and seal this day of one thousand eight hundred and ninety

Signed, sealed and delivered in the presence of

SCHEDULE B.

(*Section 22.*)

Chief Engineer's Certificate.

"The Toronto, Hamilton and Niagara Falls Electric Railway Company's" office.
No. A. D. 189

(*Engineer's Department.*)

Certificate to be attached to chèques drawn on "The Toronto, Hamilton and Niagara Falls Electric Railway Company Municipal Trust Account," given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I. *A. B.*, chief engineer of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of 189 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of
(*here set out the terms and conditions, if any, which have been fulfilled*).

No. 47.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to incorporate The Toronto, Hamilton and Niagara Falls Electric Railway Company.

First Reading, 1895.

(Private Bill.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excllent Majesty.

No. 47.] **BILL.** [1895.

An Act to incorporate The Toronto, Hamilton and Niagara Falls Electric Railway Company.

Preamble. WHEREAS John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home and Samuel Clarke Biggs all of the city of Toronto in the county of York, and the Honorable R. W. Scott, of the city of Ottawa in the county of Ottawa, have by their petition prayed for an Act of incorporation under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" for the purpose of constructing and operating electric railways from the city of Toronto along Dundas Street to some point in the city of Hamilton passing through the township of York to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Annes, Nelson and Burlington in the township of Nelson, then across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton or from the village of Nelson aforesaid in the township of Nelson through the township of East Flamboro', to the city of Hamilton and also from the said point in the city of Hamilton to some point on the Niagara river at or near the Niagara Falls, passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford including the village of Niagara Falls south and the town of Niagara Falls; and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsboro', Moulton and Moncton; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation. **1.** The said John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home, Samuel Clarke Biggs, all of the city of Toronto in the county of York, and the Honorable R. W. Scott, and such other persons and corporations as shall here-

after become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" hereinafter called the "company."

Location of line.

☞2. The company is hereby authorized and empowered to survey, lay out, contruct, complete equip, maintain and operate iron or steel railways to be operated by electricity with single, or double iron or steel tracks, from some point in the city of Toronto, to be selected by the said company, thence to and along what is known as Dundas street to some point in the city of Hamilton, passing from the city of Toronto through the township of York to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Annes, Nelson, and Burlington, in the township of Nelson, thence across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton, or from the village of Nelson aforesaid in the township of Nelson, through the township of East Flamboro' to the city of Hamilton, and also from the said point in the city of Hamilton to some point on the Niagara river, at or near Niagara Falls, passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford, including the village of Niagara Falls South and the town of Niagara Falls, and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsboro' and Moulton and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements between the company and the councils of any of the said corporations and road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same. ☜

55 V. c. 42.

Election as location of line.

☞3. The said company shall, on or before the first day of July, 1896, signify to the Commissioner of Public Works of the Province of Ontario, under the hands of the President and Secretary and corporate seal of the said company, whether the said company elects to locate the said line from the villages of Nelson and Burlington in the township of Nelson, thence across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton, or whether

they elect to construct the said line from the village of Nelson aforesaid, in the township of Nelson, through the township of East Flamboro', to the city of Hamilton, and thereupon the Lieutenant-Governor in Council may direct the said company to proceed with the construction of the said railway according to the location thereof so selected and adopted.

Aid from municipalities not to be granted until election made.

4. Until the said company has made its selection as to the location of the said line under the powers conferred by section 2 of this Act, it shall not be lawful for the said company to enter into negotiations with any municipality or portion of any municipality, as provided by *The Electric Railway Act, 1895*, for the granting of aid in constructing the said line of railway according to either of the said locations, nor shall the powers conferred on municipalities or portions of municipalities by the said Act as to granting bonuses or otherwise, be applicable to the said line of railway.

Provisional directors.

5. The said John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Horne, Samuel Clarke Biggs, and the Honorable R. W. Scott shall be and are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of provisional directors.

6. All meetings of the provisional board of directors shall be held at the city of Toronto, in the county of York, or at such other place as shall best suit the interests of the company.

Capital stock.

7. The capital stock of the company shall be $1,000,000, to be divided into 10,000 shares of $100 each.

Head office.

8. The head office of the company shall be at the city of Toronto, in the county of York.

Directors.

9. The board of directors shall consist of seven persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act 1895*.

Agreement with Grand Trunk Railway Co.

10. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, the company shall have power to enter into any agreement with the Grand Trunk Railway Company of Canada, if lawfully authorized to enter into such an agreement, for the leasing, hiring or use by the company of the lands, tracks or structures of the Grand Trunk Railway Company of Canada, or any portions thereof, on such terms as to compensation and otherwise as may be agreed on; provided that electric power only shall be used in operating any portion of the company's line; but nothing in this section shall be

construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Incorporation of provisions of Rev. Stat. c. 170.

11. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *electric* railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

12. The railways shall be commenced within two years and completed to the city of Hamilton within four years, and finally completed within *five* years after the passing of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Toronto, Hamilton and Niagara Falls Electric Railway Company.

First Reading, 12th March, 1895.

(Reprinted as amended by Railway Committee.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellen Majesty.

No. 48.] BILL. [1895.

An Act to consolidate the Debt of the Town of Toronto Junction and for other purposes.

Preamble.

WHEREAS the municipal council of the corporation of the town of Toronto Junction has by its petition represented that under the provisions of *The Toronto Junction Debt Consolidation Act, 1894*, the said corporation was authorized to consolidate its general debenture debt and effect a loan by the issue of debentures authorized by that Act to pay off such debt, that it has been impossible to dispose of such debentures, and that it is found necessary in order to enable the corporation to satisfactorily arrange and meet its indebtedness that new debentures should be issued in lieu of and exchange for those at present outstanding and thereby reduce the annual payments to a sum within the ability of the corporation to collect from the ratepayers by taxation, and it has also been found necessary to include the local improvement debt in the proposed consolidation, and the large majority in number and value of the holders of existing debentures of these respective classes have expressed their assent to the said arrangement; and whereas said municipal council have passed a by-law altering the time for making the assessment and revising the rolls as provided under section 52 of *The Consolidated Assessment Act 1892*, and adopting the assessment made in 1894 without further revision as the assessment for 1895; and said municipal council desire to have said by-law ratified and confirmed and by said petition certain other special powers are prayed for; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of Act to various classes of debentures.

1. In this Act the provisions of sections 2 to 7, both inclusive, apply exclusively to debentures of the corporation other than local improvement debentures, and of sections 8 to 11, both inclusive, apply exclusively to local improvement debentures, and the provisions of sections 12 to 20, both inclusive, apply to both kinds of debentures.

Power to issue debentures for

2. The municipal council of the corporation of the town of Toronto Junction may, and shall pass a by-law, or from time to time pass by-laws for authorizing the issue of debentures of the said corporation for a sum not exceeding the sum of $850,000 for the purpose of redeeming their outstanding debentures other than local improvement debentures and securing the payment of the interest owing thereon as at 1st June, 1895, and of paying certain advances obtained by the corporation on the pledge of some of its debentures and certain other debts as well as costs, legal expenses and other expenses incurred in and about the negotiations for the arrangement of the debt of the corporation intended to be carried out by this Act, and for such other purposes and to such amount as may be deemed necessary by the committee hereinafter named.

Interest on debentures.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum, and both as to principal and interest shall be payable at the office of the treasurer, in the town of Toronto Junction, and may be in the form given in the schedule A to this Act, or as near thereto as convenient.

Interest computed from 1st June, 1895, up to 2nd January, 1896, shall be payable on that date, and thereafter yearly on 2nd January in each year to 2nd January, 1905, inclusive.

On 2nd January in each year from 1906 to 1935, both inclusive, a payment at the rate of $5.32 on each one hundred dollars shall be made, that amount being sufficient during that time to discharge one-half of the principal money of each debenture and all interest on such debenture, and the remaining half of the principal money shall be payable on 2nd January, 1935.

The interest for the period to 2nd January, 1905, as well as the annual payments of principal and interest during the next succeeding thirty years, shall be represented by coupons annexed to the debentures.

Denomination of debentnres.

4. The debentures shall be of the denominations of $1,000 and $100 respectively, and shall be known as "Toronto Junction Consolidated General Debentures."

Valuing principal and interest on outstanding debentures.

5. The principal and interest on outstanding debentures not accrued due at 1st June, 1895, shall be valued as of that date on the basis of an investment to yield the holder interest at the rate of four and one-half per cent. yearly, and to such value there shall be added all overdue principal or interest with interest thereon at five per cent. computed from maturity to 1st June, 1895, and the holders shall be entitled and bound to receive in exchange new debentures issued under this Act equal to the aggregate amount of all such sums, or to the multiple of 100 next thereunder, and any sums less than $100 shall be paid in cash.

Such new debentures shall be deliverable at the office of the treasurer of the corporation on and after the 1st day of June, 1895.

Special rate for payment of debentures and interest.

6. The corporation shall in the year 1895, and in each year thereafter up to and including the year 1934, levy upon the whole then assessable property in the said town, by a sufficient special rate, the amount necessary to discharge the payment on all said debentures falling due on the second day of January then next, excepting the half of the principal money falling due on 2nd January, 1935, provided that such rate shall not be levied on any property which has heretofore been exempted from taxation during the unexpired period of exemption.

Provided always that if the rate or rates to be levied from time to time shall yield more than sufficient to pay the amount falling due on the second day of January next following, the surplus shall be carried to the special account hereinafter mentioned, and be applied to the payment falling due in the next succeeding year.

Special account of moneys collected.

7. The moneys so levied and collected shall be deposited in a special account called "The General Debenture Rate Account," to be kept in the name of the corporation in one of the chartered banks of the Dominion, and shall be applicable only to the purposes mentioned in this Act, and shall not be applied in any other manner whatever, and any collector or other officer of the town applying such moneys for any other purpose, or any member of the council assenting thereto, shall be civilly liable for the amount.

Receiving debentures to redeem outstanding local improvement debentures.

8. The municipal council of the said corporation shall and may pass a by-law, or from time to time pass by-laws, for authorizing the issue of debentures of the said corporation for a sum not exceeding $150,000, for the purpose of redeeming their debentures now outstanding or authorized for local improvement purposes, which shall be known as "Toronto Junction Consolidated Local Improvement Debentures," and said debentures may be in the form given in the schedule B to this Act, or as near thereto as convenient.

A portion of the debentures hereby authorized, herein called "class one," sufficient to redeem the debentures heretofore authorized for local improvement purposes where the whole issue authorized falls due before second January, 1907, shall be payable on second January, 1907, with interest at the rate of four and one-half per cent. per annum computed from first June, 1895, payable on the second day of January of each year.

The remaining portion of the debentures hereby authorized, herein called "class two," shall be made payable on second January, 1915, with interest at the same rate computed from

first June, 1895, payable on the second day of January in each year in the meantime.

Valuing principal and interest on outstand.

9. The principal and interest on all outstanding local improvement debentures so to be redeemed not accrued due at first June, 1895, shall be valued as of that date, on the basis of an investment to yield the holder interest at the rate of four and one-half per cent. yearly, and to such value there shall be added all overdue principal or interest with interest thereon at five per cent. computed from maturity to first June, 1895, and the holders of debentures of those issues all of which fall due before second January, 1907, shall be entitled and bound to receive in exchange new debentures issued under this Act of class one, and the holders of local improvement debentures where the whole of the issue does not mature before second January, 1907, shall be entitled and bound to receive in exchange new debentures of the class two issued under this Act, in each case equal to the aggregate amount of the sums herein mentioned or to the multiple of one hundred next thereunder, and any sums of less than $100 shall be paid in cash. Such new debentures shall be delivered at the office of the treasurer of the corporation on and after the first day of June, 1895.

Collection of rates—special account.

10. The corporation shall continue to collect the annual special rates assessed for payment of the local improvement debentures heretofore authorized in accordance with the respective by-laws relating thereto, and so much of the special rates collected as is not required for payment of the yearly interest as aforesaid of the debentures of class one and class two respectively shall be deposited in special accounts called respectively "The Local Debenture Rate Account," class one and class two, to be kept in the name of the corporation in one of the chartered banks of the Dominion and shall be applicable only to the purposes of payment of the principal and interest of the local improvement debentures of the respective classes authorized under this Act, and shall not be applied in any other manner whatever, and any collector or other officer of the town applying such moneys for any other purpose, or any members of the council assenting thereto, shall be civilly liable for the amount.

Redemption of consolidated local improvement debentures.

11. Whenever the amount at the credit of either of such accounts after the payment of the interest in any year and before the collection of the next special rate, shall amount to $5,000 or over, the amount in excess of $2,000 shall be used and applied for the purpose of paying off and redeeming consolidated local improvement debentures of that class, and the particular debentures so to be redeemed shall be determined in every case by lot cast or d awn some time in the month of January by the auditor appointed by and on behalf of the debenture holders, and the mayor and treasurer, or either of these, together with the auditor, and the result of such lot

designating and specifying the particular debentures to be redeemed shall be published in the city of Toronto by advertisement at least three times in a daily newspaper published in the said city, and notice of such result shall also be mailed to the address of the holders of such debentures, if such address be known.

The debentures so to be redeemed, with interest thereon to the first day of February, shall be paid by the treasurer at or any time after the first day of February next after such drawing on the surrender of such debentures and all coupons thereof, and no interest shall accrue on any debentures so drawn for redemption after the first day of February next ensuing such drawing, provided notice of such drawing shall have been given as hereinbefore required, and all coupons representing future interest on such debentures so drawn and specified shall thenceforth and thereafter be void.

Penalty for non-payment of rates.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, or imposed by any local improvement by-law heretofore passed, by the first day of December in any year, or within fifteen days thereafter, or if any taxes or rates assessed on the assessable property of non-residents shall be in arrear for fifteen days after the first day of December in any year, every person so in arrear and such assessable property shall be held liable to pay to the corporation an addition of twenty-five per cent. to the said rate or rates so imposed, and the increased sum shall be so payable, not as a penalty, but as liquidated damages for the delay, and the collectors and other officials shall have the like powers for levying the said addition to the rate or rates as for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on the ratepayer, and it shall not be in the power of the council to remit such increased rate or to interfere with or alter the assessment roll after the same shall have been finally revised, and the remission of such increased rate or of any rates so finally revised and confirmed or imposed by any such local improvement by-law shall be absolutely null and void.

Sale of land for arrears of taxes.

13. If any sum or sums assessed or payable after the passing of this Act in respect of any assessable real property belonging to non-residents shall be in arrear and unpaid for twelve months after the said fifteenth day of December, or if any ratepayer shall omit to pay his quota of the rate or rates imposed upon him in respect of any real property after the passing of this Act during the period of twelve months after the time limited for payment thereof, such real property shall be liable to be sold for all arrears of taxes thereon, and the provisions of *The Consolidated Assessment Act 1892*, or of the Assessment Act in force for the time being, shall apply in the same manner and to the same extent as in the case of taxes in arrear for three years under that Act.

Preference of debentures issued under Act.

14. The debentures to be issued under this Act shall, as regards both principal and interest, have preference and priority over all debentures or bonds or obligations for borrowed money which may be made or granted by or on behalf of the town after the passing of this Act, and all such debentures, bonds or obligations shall be postponed to the debentures to be issued under this Act.

Actions upon outstanding debentures.

15. No acti n or other proceeding shall be maintained by or on behalf of any holder of any debenture hereinbefore referred to as outstanding or of any coupon to such debenture, and any judgment recovered in respect of such debenture or coupon shall not be enforceable against the corporation, its property or effects, and it shall be a sufficient defence to any such action or proceeding to state that a new debenture or new debentures under the provisions of this Act had been duly lodged or tendered at the office of the treasurer, and that the corporation were ready and willing to pay any sum less than $100 to which the holder was entitled, and on the same facts being shown proceedings in any action or under any such judgment may be stayed or set aside.

Audit of accounts

16. In the month of December in each year up to the year 1905 inclusive, or at any other time within such period, on the application of a debenture holder, an auditor shall be appointed on behalf of the holders of said debentures, by the senior judge of the county court of the county of York for the time being, after such notice, if any, as the said judge may see fit to direct. The said senior county judge may also at any time after 1905, and during the currency of the debentures issued under this Act, on the application of a holder or holders of such debentures to the amount of $50,000 or over, and upon such evidence as shall satisfy such judge of the necessity or advisability therefor, appoint an auditor. Said auditor shall enter on his duties on the third Monday in January next after his appointment if made in December, or earlier in January than the third Monday, and shall enter on same forthwith after his appointment if made at any other time, and have the powers and duties prescribed for municipal auditors under *The Consolidated Municipal Act 1892*, but shall not be liable to removal by the council, and during the currency of said debentures the right of the head of the council to appoint an auditor shall be suspended, the intention being that only two auditors shall be appointed, one by the council and the other by the senior county judge on behalf of the debenture holders, and the said auditor appointed by the senior county judge shall audit all accounts before payment and shall have power to compel the carrying out of the provisions of this Act by summary application at any time to a judge of the High Court of Justice; the remuneration of such auditor shall be fixed by the said senior county judge and shall be payable by the corporation.

55 V. c. 42.

17. If and whenever the corporation shall fail to appoint assessors, or to appoint one or more collectors to collect the rates required to be raised under this Act, or if they fail at any time to impose and levy a sufficient rate or rates for the purpose of providing for the payment of the principal and interest of such debentures, or if it shall be made to appear to the senior judge of the county court of the county of York that the assessors, or collector or collectors appointed by the corporation are not fairly and honestly performing the duties of their respective offices, or that they are endeavoring to delay or prevent the collection of the rate or rates required to be raised, it shall be lawful for such judge upon the application of any holder or holders of debentures issued under this Act from time to time to appoint assessors to make up the proper rates, and they shall have power to call for the assessors' roll for the current year, and assess, impose and levy such rate or rates or to proceed with the collection of the uncollected portion of such rate or rates and any other taxes in arrear, and to take such steps as may be necessary for that purpose, and also to prepare assessors' or collectors' rolls and to place the same in the hands of assessors or collectors of his own selection who are hereby authorized to Act in the same manner as if they had been appointed by the corporation under the provisions of the municipal or assessment Acts, and it shall be the duty of any assessor or collector so complained of forthwith to hand over his rolls and any money collected to the person or persons so appointed by the county judge.

Default by corporation in appointing assessors or collectors.

18. The costs and expenses of any application to the county judge and the remuneration payable to such assessors and collectors appointed under the next preceeding section shall be fixed by the said county judge and shall be payable by the corporation.

Costs of application to county judge, etc.

19. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be advertised in any way or be submitted for the approval of, or receive the assent of the ratepayers of the said town of Toronto Junction in accordance with the provisions of *The Consolidated Municipal Act 1892*, and it shall be sufficient if any such by-law be passed by the municipal council in the form in the schedules D or E to this Act set forth, as the case may be.

Assent of electors and other formalities not required.

55 V. c. 42.

20. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof, and any of the said debentures which shall

Irregularities in form of debentures.

purport to have been issued under the authority of this Act shall be conclusively presumed in favor of the holder or purchaser thereof to have been so issued.

Committees to determine how debentures shall be issued.

21. The Mayor of the town of Toronto Junction, Herbert C. Hammond of the city of Toronto, broker, and John Kay Macdonald of the city of Toronto, insurance manager, shall be a committee, and they, or any two of them may and shall determine the amounts of both general and local improvement debentures to be issued under this Act, and the purposes for which the same shall be issued, and the disposal and application of all debentures not required for exchange, and such disposal and application shall be in accordance with two certain agreements made between the corporation of the one part and the Molsons Bank and the Canada Life Assurance Company and others respectively of the other part, so far as such agreements extend, and as to any matters not covered by or any debentures not dealt with in such agreements, the same and the disposal and application of such debentures shall be in the absolute discretion of the said committee or of the two members other than the mayor without question or appeal. The committee shall also direct and control the exchange of debentures and see to the cancellation of all debentures now outstanding. Should the said Herbert C. Hammond and John Kay Macdonald, or either of them, die, or be unable or unwilling to act as members of such committee, then one or two other persons, as may be necessary, shall be appointed in their or his place by the majority in value of the holders of existing debentures present or represented at a meeting called for that purpose, at some place in the city of Toronto, by notice advertised twice in a Toronto daily newspaper at least five days before the meeting. The members of the said committee, other than the mayor, shall be compensated by the corporation for their services.

Liability for certain school rates not affected.

22. The passing of this Act shall not affect the liability of the property in the township of York, ratable under by-laws Nos. 82, 139, 207 and 312, as being part of a union school section with the town of Toronto Junction, but the property in the said union school section shall continue to be ratable under said by-laws 82, 139, 207 and 312, and the amounts received from the township of York thereon shall be paid into "The General Debenture Rate."

By-law No. 378 confirmed.

23. That by-law number 378 of the said corporation entitled "A by-law to regulate the periods for taking the assessment and revising the rolls," and a copy of which is set out as schedule C to this Act, is hereby ratified and confirmed, and the assessment and assessment roll referred to in said by-law are hereby confirmed without further revision and are declared to be valid and binding to all intents and purposes as the assessment and assessment roll respectively for the year 1895.

Voters' list for 1894 confirmed.

24. The voters' list of the corporation as finally revised by the county judge in the year 1894 is hereby ratified and confirmed as the voters' list for 1895, subject however to revision by the county judge, and a certificate of the clerk of the municipality that the list is a correct list of all persons appearing to be entitled to vote shall be a sufficient certificate under section 7 of *The Ontario Voters' List Act 1889*, without referring in said certificate to the last revised assessment roll of the municipality.

Power to lease or sell certain lands.

25. The said corporation are hereby authorized and empowered to lease for a term of years or to sell and convey to a purchaser the parcel of land acquired by the said corporation under the authority of by-law number 106 as and for a public square, and which has been never and is not now required for that purpose, and the rent or purchase money received by the corporation for said parcel of land shall form part of the general funds of the corporation.

Acquiring lands sold for less than amount of arrears of taxes in 1894.

26. The said corporation may at any time not being less than fifteen days before the expiration of one year from the date of the sale thereof, exclusive of that day, acquire any of the lands which were sold in the year 1894 for less than the amount of taxes thereon upon depositing in the hands of the treasurer for payment to the purchaser or his legal representative an amount equal to the sum paid by him together with ten per centum thereon, and posting in the offices of the treasurer and town clerk lists showing the lands in respect of which such deposits are made and the amounts so deposited, and advertising by two insertions in at least one newspaper published in the town before the expiration of such year notice of such lists having been posted. If the said lands be not redeemed by the owners thereof under section 180 of *The Consolidated Assessment Act 1892* within one year from the day of sale, then the corporation shall become the owners of said lands subject to the same conditions and limitations as if said lands had been duly purchased by the corporation at the said sale for taxes under the authority of section 170, sub-section 3 of *The Consolidated Assessment Act 1892*.

55 V. c. 48.

55 V. c. 48.

Borrowing money from banks, etc., for certain purposes.

27. If the Molsons Bank do not make the advance mentioned in the 12th clause of agreement forming schedule F to this Act, the corporation may borrow from any bank, person or firm such sum as may be necessary for making payments to purchasers under section 26 of this Act, and may give to such bank, person or firm security by lien or charge on the lands in respect of which such payments may be made, or on the sums of money which may be paid by the owners of such lands for redemption thereof.

By-laws for grading Weston road and improving Argyle street confirmed.

28. The by-laws heretofore passed by the council of the said corporation for borrowing money by the issue of deben-

tures secured by special assessment on the real property benefited by the grading of the Weston road and the widening and extension of Argyle road and guaranteed by the municipality at large, and all special assessments and all debentures issued or to be issued thereunder are validated and confirmed subject to consolidation under the provisions of this Act.

Agreement with Molsons Bank confirmed.

29. The agreement between the corporation and the Molsons Bank, set forth in schedule F to this Act, is hereby declared to be valid and binding upon the parties thereto.

57 V. c 84, ss. 8,-11, repealed.

30. Sections 1 to 11, both inclusive, of the Act, passed in the 57th year of Her Majesty's reign, chapter 84, are hereby repealed.

Costs of pending actions.

31. Nothing in this Act contained shall prejudice or affect the question of costs of any action or proceeding now pending.

Short title.

32. This Act may be known and cited as "*The Toronto Junction Debt Consolidation Act, 1895.*"

SCHEDULE A.

Toronto Junction Consolidated General Debenture.

Under and by virtue of the *Toronto Junction Debt Consolidation Act, 1895*, and by-law number of the corporation of the town of Toronto Junction, passed under the provisions contained in the said Act, the corporation of the town of Toronto Junction promise to pay to the bearer at the office of the treasurer in the said town the sum of one thousand dollars and interest thereon at the rate of four and one-half per cent. per annum in gold coin, the same being payable as follows: Interest on the second day of January in each year from 1896 to 1905, both inclusive, and on the second day of January in each year from 1906 to 1935, both inclusive, combined payments of principal and interest of the amount of $53.20 on the presentation and surrender of the yearly coupons hereto annexed as they shall severally become due, and the sum of $500 on the second day of January, 1935, on the presentation and surrender of this debenture.

Dated at the town of Toronto Junction, this first day of June, A.D. 1895.

A. B,
Mayor.

C. D..
Treasurer.
[L.S.]

First coupon will be $26.25.
Nine following coupons, each $45.
Thirty following coupons, each $53.20

SCHEDULE B.

Toronto Junction Consolidated Local Improvement Debenture.

Under and by virtue of the *Toronto Junction Debt Consolidation Act, 1895*, and By-law number of the corporation of the town of Toronto Junction, passed under the provisions contained in the said Act, the corporation of the town of Toronto Junction promise to pay to the bearer at the office of the treasurer of the said town the sum of one thousand dollars in gold coin on the second day of January, 19 , on presentation and surrender of this debenture, and to pay interest thereon at the rate of four and one-half per cent. per annum on the second day of January in each year on presentation and surrender at the office of the said treasurer of the yearly coupons for interest hereto attached as they shall severally become due.

This debenture is subject to earlier payment under the provisions of section 11 of the said Act.

Dated at the town of Toronto Junction, this first day of June, A.D. 1895.

A. B.,
Mayor.

C. D.,
Treasurer.
[L. S.]

First coupon will be $26.25.
Nine following coupons, each $45.

SCHEDULE C.

No. 378, A by-law to Regulate the Periods for Taking the Assessment and Revising the Rolls.

Passed February 20th, 1895.

Whereas by by-law number 181, passed on the 3rd day of December, 1894, under the authority of section 53 (1) of *The Consolidated Assessment Act 1892*, it was enacted that, commencing with the year 1895, the assessment for the town of Toronto Junction should be taken between the first day of July and the thirtieth day of September in each year and the assessment rolls should be returnable to the town clerk on the first day of October in each year and that the town clerk should regulate all notices of appeal and the sittings of the court of revision and for hearing of appeals by the county judge so that the said court of revision should close on the fifteenth day of November and the final return by the judge of the county court should be made on or before the thirty-first day of December each year and that the assessment so made

and concluded should be the assessment on which the rate of taxation for the following year should be levied unless the council of the following year otherwise determine and by the said by-law it was further enacted that in the year 1895 the assessment for 1894 should be adopted as the basis of assessment unless the council otherwise determine ;

And whereas it is expedient to adopt the said assessment for the year 1894 and the assessment roll thereof as the assessment and assessment roll for the year 1895.

Be it therefore enacted by the municipal council of the corporation of the town of Toronto Junction as follows :

1. That the assessment for the town of Toronto Junction shall in each year, commencing with the present year, be taken between the first day of July and the thirtieth day of September and the assessment rolls shall be returnable to the town clerk on the first day of October and the town clerk shall regulate all notices of appeal and the sittings of the court of revision and for hearing of appeals by the county judge so that the said court of revision shall close on the fifteenth day of November and the final return by the judge of the county court shall be made on or before the thirty-first day of December and the assessment so made and concluded shall be the assessment on which the rate of taxation for the following year shall be levied unless the council of the said following year otherwise determine.

2. The assessment made in 1894 and the assessment roll thereof as finally revised are hereby confirmed and declared valid and binding to all intents and purposes upon the ratepayers of the town and all others and upon the property and lands affected thereby or contained, set out and described in the said roll as the assessment and the assessment roll of the said town for the year 1895 and upon which the rates and taxes of the said town for the year 1895 shall be levied and collected and no further revision of the said assessment shall be necessary.

{ Corporate Seal } { Toronto Junction. }

JAMES BOND,
Mayor.
ROBERT J. LEIGH,
Town Clerk.

SCHEDULE D.

A by-law to authorize the issue of debentures for $
under *The Toronto Junction Debt Consolidation Act 1895.*

Be it enacted by the municipal council of the corporation of the town of Toronto Junction as follows :—

1. The mayor and treasurer are hereby authorized and directed to issue Toronto Junction Consolidated General Debentures to the amount of $ under the authority

of the said Act and for the purposes therein mentioned, which debentures shall be of the denominations of $1,000 and $100, respectively, bearing interest at the rate of four and one-half per cent. per annum, the same being payable in gold coin as follows:

Interest computed from 1st June, 1895, up to 2nd January, 1896, shall be payable on that date, and thereafter yearly on 2nd January in each year to 2nd January, 1905, inclusive.

On 2nd January in each year from 1906 to 1935, both inclusive, a payment at the rate of $5.32 on each one hundred dollars shall be made, that amount being sufficient during that time to discharge one-half of the principal money of each debenture and all interest on such debenture, and the remaining half of the principal money shall be payable on 2nd January, 1935.

The interest for the period to 2nd January, 1905, as well as the annual payments of principal and interest during the next succeeding thirty years shall be represented by coupons annexed to the debentures.

2. There shall be raised and levied on the 1st day of December in the year 1895 and of each succeeding year up to 1934, inclusive, a sum sufficient to pay and discharge the amount falling due on the 2nd day of January of the year then next ensuing (excepting the half of the principal money payable on 2nd January, 1935, which is not required to be levied), and such sum shall be so raised and levied by a general rate sufficient therefor upon the whole ratable property in the town.

SCHEDULE E.

A by-law to authorize the issue of Local Improvement Debentures for $ under *The Toronto Junction Debt Consolidation Act, 1895.*

It is hereby enacted by the municipal council of the corporation of the town of Toronto Junction as follows:

1. The mayor and treasurer are hereby authorized and directed to issue Toronto Junction Local Improvement Debentures to the amount of $ under the authority of the said Act, and for the purposes therein mentioned.

2. Such debentures shall be of the denominations of $1,000 and $100, respectively, payable at the office of the town treasurer on 2nd January, 19 , and bearing interest at the rate of four and one-half per cent. per annum, computed from 1st June, 1895, payable on the 2nd day of January of each year, and shall have attached coupons for such interest.

3. The said debentures shall be subject to earlier payment in the manner mentioned in section 11 of the said Act.

SCHEDULE F.

This agreement made the first day of March, 1895, between The Corporation of the Town of Toronto Junction herein called "The Corporation," of the first part, and The Molsons Bank, herein called "The Bank," of the second part.

1. Whereas the bank are the owners and holders of certain local improvement debentures issued by the corporation amounting to $20,000, or thereabouts.

2. And whereas the bank have made advances to the corporation for local improvement works to the amount of $27,149, or thereabouts, and hold in security therefor certain local improvement debentures to about an equal amount.

3. And whereas the bank have made an advance to the corporation of $10,000, and in security therefor hold debentures issued by the corporation to the amount of about $15,000.

4. And whereas the bank have lent and advanced to the corporation from time to time sundry sums, and there is now owing and unpaid to the bank in respect thereof $62,517, or thereabouts, and the bank claim that such amount should be repaid out of the uncollected taxes imposed for all purposes for the years from 1890 to 1894, both inclusive, excepting the taxes imposed for local improvement rates and debenture rate in 1894, by-laws having been from time to time passed by the corporation and agreements made for such advances under the provisions of section 413 of *The Municipal Act.*

5. And whereas the corporation are unable to meet their pecuniary engagements as they fall due, and have applied to the holders of their debentures and to the bank to come to an arrangement for giving time and facilities for paying their liabilities, and a basis of agreement has been arrived at between the corporation, the bank and the majority in value of the holders of debentures, and a bill to give effect thereto is now being promoted before the Legislative Assembly for the Province of Ontario, and it is desirable to define herein the agreement between the corporation and the bank in reference to the bank's several claims above mentioned.

Now this agreement witnesseth that the corporation and the bank agree together, as follows:—

6. For the amount which will be due at first June, 1895, or other date of exchange fixed by the proposed Act, in respect of the debentures mentioned and referred to in recital one valued as proposed in the bill now being promoted, and also for the amount which will be due at first June, or such other date of exchange in respect of the advances mentioned in recital two, the bank shall receive and take a corresponding amount of the debentures intended to be authorized by such proposed Act of the kind and class corresponding with the debentures referred to in recital one and two, in the same way and on the same terms as other debenture holders.

7. The bank shall be paid at first June, 1895, or other date for exchange, the amount then due to them in respect of the advance mentioned in recital three.

8. In payment of all that may be due to the bank at first June, 1895, or other date of exchange in respect of the advances mentioned and referred to in recital four in excess of the sum of $35,000, the bank shall receive and take general consolidated debentures to be issued in pursuance of the proposed legislation for an equivalent amount.

9. In or towards payment of the residue of $35,000, the bank shall be entitled to receive all sums which may be collected by the corporation from the unpaid taxes mentioned in recital four until such sum of $35,000 and interest from this at the rate of five per cent. per annum is fully paid, and the corporation shall in addition thereto pay to the bank on the second day of January in each year interest at that rate on the amount from time to time remaining unpaid. If such sum of $35,000 and interest be not fully paid before first August, 1898, then the bank shall be entitled to receive from the corporation general consolidated debentures to be authorized by such Act to an amount equal to the then unpaid balance of such $35,000 and interest, and shall hold such debentures as further or collateral security for such unpaid balance, and shall continue to receive all sums which may be collected from such unpaid taxes up to first August, 1902.

If the said sum of $35,000 and interest be not then fully paid, and if the bank claim that further moneys are collectable from such unpaid taxes, then if the corporation and the bank are unable to agree upon the amount if any that is collectable, that question shall be referred to the committee mentioned in the said Act, and their decision thereon shall be final. The corporation shall thereupon pay to the bank the amount agreed upon or decided by the said committee as the case may be, and on such payment the bank shall retain an amount of such general consolidated debentures equal to the portion of such $35,000 and interest still remaining unpaid, and shall thenceforward hold such debentures in discharge thereof, and the remaining debentures held as collateral security shall be cancelled and returned to the corporation.

10. The bank shall be entitled to enforce the collection of such taxes for their benefit by the means which may be provided by the said intended legislation for the collection of other rates and taxes, and by the aid of the senior county judge of the county of York and of the auditor, assessors and collectors as provided by such legislation, and if desired by the bank this agreement may be confirmed by such legislation or express provision made therein for the enforcement of this agreement.

11. No action or proceedings shall be taken by the bank in respect of such claim of $35,000, or any part thereof, except proceedings in case of non-payment of annual interest or to enforce the collection of said taxes, or to recover from the corporation or any officers thereof any sums of money which may have been collected on account thereof.

12. If power be given to the corporation as is sought in the bill now being promoted to acquire the lands which were sold

in 1894 for less than the amount of taxes thereon, the bank agree to advance to the corporation the amount of money required for that purpose, and such amount shall bear interest at the rate of five per cent. per annum, and the bank shall be entitled to receive all sums of money which may be paid by the owners of any such lands for redemption thereof as well as all sums of money which may be realized by the corporation from the sale of any of such lands, and shall apply the same in the first place in repayment of the amount so advanced with interest as aforesaid, and then in or towards payment of such sum of $35,000, and interest.

In witness whereof the corporation seals of the parties are hereto affixed under the hands of the proper officers respectively.

Witness to the corporation.

Witness to the bank.

No. 48.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Debt of the Town of Toronto Junction and for other purposes.

First Reading, 1895.

(Private Bill.)

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 48.] **BILL.** [1895.

An Act to consolidate the Debt of the Town of Toronto Junction and for other purposes.

Preamble.

WHEREAS the municipal council of the corporation of the town of Toronto Junction has by its petition represented that under the provisions of *The Toronto Junction Debt Consolidation Act, 1894*, the said corporation was authorized to consolidate its general debenture debt and effect a loan by the issue of debentures authorized by that Act to pay off such debt, that it has been impossible to dispose of such debentures, and that it is found necessary in order to enable the corporation to satisfactorily arrange and meet its indebtedness that new debentures should be issued in lieu of and exchange for those at present outstanding and thereby reduce the annual payments to a sum within the ability of the corporation to collect from the ratepayers by taxation, and it has also been found necessary to include the local improvement debt in the proposed consolidation, and over ninety-eight per centum in value of holders of existing debentures of these respective classes have expressed their assent to the said arrangement, the few remaining debenture holders being unknown or unascertained; and whereas said municipal council have passed a by-law altering the time for making the assessment and revising the rolls as provided under section 52 of *The Consolidated Assessment Act 1892*, and adopting the assessment made in 1894 without further revision as the assessment for 1895; and said municipal council desire to have said by-law ratified and confirmed and by said petition certain other special powers are prayed for; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of Act to various classes of debentures.

1. In this Act the provisions of sections 2 to 7, both inclusive, apply exclusively to debentures of the corporation other than local improvement debentures, and of sections 8 to 11, both inclusive, apply exclusively to local improvement debentures, and the provisions of sections 12 to 20, both inclusive, apply to both kinds of debentures.

Power to issue debentures for

2. The municipal council of the corporation of the town of Toronto Junction may, and shall pass a by-law, or from time to time pass by-laws for authorizing the issue of debentures of the said corporation for a sum not exceeding the sum of $900,000 for the purpose of redeeming their outstanding debentures other than local improvement debentures and securing the payment of the interest owing thereon as at 1st June, 1895, and of paying certain advances obtained by the corporation on the pledge of some of its debentures and certain other debts as well as costs, legal expenses and other expenses incurred in and about the negotiations for the arrangement of the debt of the corporation intended to be carried out by this Act, and for such other purposes and to such amount as may be deemed necessary by the committee hereinafter named.

Interest on debentures.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum, and both as to principal and interest shall be payable at the office of the treasurer, in the town of Toronto Junction, and may be in the form given in the schedule A to this Act, or as near thereto as convenient.

Interest computed from 1st June, 1895, up to 2nd January, 1896, shall be payable on that date, and thereafter yearly on 2nd January in each year to 2nd January, 1905, inclusive.

On 2nd January in each year from 1906 to 1935, both inclusive, a payment at the rate of $5.32 on each one hundred dollars shall be made, that amount being sufficient during that time to discharge one-half of the principal money of each debenture and all interest on such debenture, and the remaining half of the principal money shall be payable on 2nd January, 1935.

The interest for the period to 2nd January, 1905, as well as the annual payments of principal and interest during the next succeeding thirty years, shall be represented by coupons annexed to the debentures.

Denomination of debentures.

4. The debentures shall be of the denominations of $1,000 and $100 respectively, and shall be known as "Toronto Junction Consolidated General Debentures."

Valuing principal and interest on outstanding debentures.

5. Interest at five per centum per annum shall be computed on the principal and interest of all debentures which have accrued due on or before the 1st day of June, 1895, from maturity until that day. The principal and interest on all debentures which have not accrued due at the said 1st day of June, 1895, shall be valued as of that date on the basis of an investment to yield the holder interest at the rate of four and one-half per cent. yearly, and holders of all outstanding debentures shall be entitled and bound to receive in exchange therefor new debentures issued under this Act equal to the aggregate amount thus ascertained of the debentures held by them

or the multiple of 100 next thereunder, and any sums less than $100 shall be paid in cash, such new debentures shall be deliverable at the office of the treasurer of the corporation on and after the 1st day of June, 1895.

Special rate for payment of debentures and interest.

6. The corporation shall in the year 1895, and in each year thereafter up to and including the year 1934, levy upon the whole then assessable property in the said town, by a sufficient special rate, the amount necessary to discharge the payment on all said debentures falling due on the second day of January then next, excepting the half of the principal money falling due on 2nd January, 1935, provided that such rate shall not be levied on any property which has heretofore been exempted from taxation during the unexpired period of exemption or which may hereafter be exempted for a period not extending beyond the 1st day of January, 1905.

Provided always that if the rate or rates to be levied from time to time shall yield more than sufficient to pay the amount falling due on the second day of January next following, the surplus shall be carried to the special account hereinafter mentioned, and be applied to the payment falling due in the next succeeding year.

Special account of moneys collected.

7 The moneys so levied and collected shall be deposited in a special account called "The General Debenture Rate Account," to be kept in the name of the corporation in one of the chartered banks of the Dominion, and shall be applicable only to the purposes mentioned in this Act, and shall not be applied in any other manner whatever, and any collector or other officer of the town applying such moneys for any other purpose, or any member of the council assenting thereto, shall be civilly liable for the amount.

Receiving debentures to redeem outstanding local improvement debentures.

8. The municipal council of the said corporation shall and may pass a by-law, or from time to time pass by-laws, for authorizing the issue of debentures of the said corporation for a sum not exceeding $150,000, for the purpose of redeeming their debentures now outstanding or authorized for local improvement purposes, which shall be known as "Toronto Junction Consolidated Local Improvement Debentures," and said debentures may be in the form given in the schedule B to this Act, or as near thereto as convenient.

A portion of the debentures hereby authorized, herein called "class one," sufficient to redeem the debentures heretofore authorized for local improvement purposes where the whole issue authorized falls due before second January, 1907, shall be payable on second January, 1907, with interest at the rate of four and one-half per cent. per annum computed from first June, 1895, payable on the second day of January of each year.

The remaining portion of the debentures hereby authorized, herein called "class two," shall be made payable on second

January, 1915, with interest at the same rate computed from first June, 1895, payable on the second day of January in each year in the meantime.

Valuing principal and interest on outstanding debentures.

☞9. Interest at five per cent. per annum shall be computed on the principal and interest of all local improvement debentures which have accrued due on or before the first day of June, 1895, from maturity, until that day. The principal and interest on all such debentures which have not accrued due at the said first day of June, 1895, shall be valued as of that date on the basis of an investment to yield the holders interest at the rate of four and one-half per centum yearly ☜ and the holders of debentures of those issues all of which fall due before second January, 1907, shall be entitled and bound to receive in exchange new debentures issued under this Act of class one, and the holders of local improvement debentures where the whole of the issue does not mature before second January, 1907, shall be entitled and bound to receive in exchange new debentures of the class two issued under this Act, in each case equal to the aggregate amount of the sums herein mentioned or to the multiple of one hundred next thereunder, and any sums of less than $100 shall be paid in cash. Such new debentures shall be delivered at the office of the treasurer of the corporation on and after the first day of June, 1895.

Collection of rates—special account.

10. The corporation shall continue to collect the annual special rates assessed for payment of the local improvement debentures heretofore authorized in accordance with the respective by-laws relating thereto, and so much of the special rates collected as is not required for payment of the yearly interest as aforesaid of the debentures of class one and class two respectively shall be deposited in special accounts called respectively "The Local Debenture Rate Account," class one and class two, to be kept in the name of the corporation in one of the chartered banks of the Dominion and shall be applicable only to the purposes of payment of the principal and interest of the local improvement debentures of the respective classes authorized under this Act, and shall not be applied in any other manner whatever, and any collector or other officer of the town applying such moneys for any other purpose, or any members of the council assenting thereto, shall be civilly liable for the amount.

☞(2) The numbers of the debentures of class one to be issued under this Act and given in exchange for the outstanding debentures issued for the local improvements under by-laws numbers 235 and 239, consolidated by by-law number 292, and under by-laws numbers 331 and 355 respectively, shall be preserved and recorded by the town treasurer in his books and all special rates hereafter collected in respect of such local improvements shall be kept by the town treasurer in a separate account and shall in the first place be applied in or towards payment of the interest on the debentures of the num-

bers so recorded which is to be made half-yearly, and all moneys in excess of $500 at the credit of such account after payment of the interest in any year and before collection of the next special rate shall be used and applied for the purpose of paying off and redeeming the debentures of the numbers so recorded in the order of such numbers as nearly as may be. The holders of such recorded debentures shall not be entitled to any of the moneys collected from the other special rates mentioned in this section nor to participate in the redemption fund mentioned in section 11. The debentures to be received in exchange shall stand in the place of the original debentures issued under such respective by-laws and the holders thereof shall be entitled to the same rights and liens as the holders of such original debentures.

Redemption of consolidated local improvement debentures.

11. Whenever the amount at the credit of either of such accounts after the payment of the interest in any year and before the collection of the next special rate, shall amount to $5,000 or over, the amount in excess of $2,000 shall be used and applied for the purpose of paying off and redeeming consolidated local improvement debentures of that class, and the particular debentures so to be redeemed shall be determined in every case by lot cast or d awn some time in the month of January by the auditor appointed by and on behalf of the debenture holders, and the mayor and treasurer, or either of these, together with the auditor, and the result of such lot designating and specifying the particular debentures to be redeemed shall be published in the city of Toronto by advertisement at least three times in a daily newspaper published in the said city, and notice of such result shall also be mailed to the address of the holders of such debentures, if such address be known.

The debentures so to be redeemed, with interest thereon to the first day of February, shall be paid by the treasurer at or any time after the first day of February next after such drawing on the surrender of such debentures and all coupons thereof, and no interest shall accrue on any debentures so drawn for redemption after the first day of February next ensuing such drawing, provided notice of such drawing shall have been given as hereinbefore required, and all coupons representing future interest on such debentures so drawn and specified shall thenceforth and thereafter be void.

Penalty for non-payment of rates.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, or imposed by any local improvement by-law heretofore passed, by the first day of December in any year, or within fifteen days thereafter, or if any taxes or rates assessed on the assessable property of non-residents shall be in arrear for fifteen days after the first day of December in any year, every person so in arrear and such assessable property shall be held liable to pay to the corporation an addition of *ten* per cent. to the said rate or rates

so imposed, and the increased sum shall be so payable, not as a penalty, but as liquidated damages for the delay, and the collectors and other officials shall have the like powers for levying the said addition to the rate or rates as for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on the ratepayer, and it shall not be in the power of the council to remit such increased rate or to interfere with or alter the assessment roll after the same shall have been finally revised, unless it be to correct clerical errors, and the remission of such increased rate or of any rates so finally revised and confirmed or imposed by any such local improvement by-law shall be absolutely null and void.

Sale of land for arrears of taxes.

13. If any sum or sums assessed or payable after the passing of this Act in respect of any assessable real property belonging to non-residents shall be in arrear and unpaid for twelve months after the said fifteenth day of December, or if any ratepayer shall omit to pay his quota of the rate or rates imposed upon him in respect of any real property after the passing of this Act during the period of twelve months after the time limited for payment thereof, such real property shall be liable to be sold for all arrears of taxes thereon, and the provisions of *The Consolidated Assessment Act 1892*, or of the Assessment Act in force for the time being, shall apply in the same manner and to the same extent as in the case of taxes in arrear for three years under that Act.

Preference of debentures issued under Act.

14. The debentures to be issued under this Act shall, as regards both principal and interest, have preference and priority over all debentures or bonds or obligations for borrowed money which may be made or granted by or on behalf of the town after the passing of this Act, and all such debentures, bonds or obligations shall be postponed to the debentures to be issued under this Act.

Actions upon outstanding debentures.

15. No action or other proceeding shall be maintained by or on behalf of any holder of any debenture hereinbefore referred to as outstanding or of any coupon to such debenture, and any judgment recovered in respect of such debenture or coupon shall not be enforceable against the corporation, its property or effects, and it shall be a sufficient defence to any such action or proceeding to state that a new debenture or new debentures under the provisions of this Act had been duly lodged or tendered at the office of the treasurer, and that the corporation were ready and willing to pay any sum less than $100 to which the holder was entitled, and on the same facts being shown proceedings in any action or under any such judgment may be stayed or set aside.

Audit of accounts.

16. In the month of December in each year up to the year 1905 inclusive, or at any other time within such period, on the application of a debenture holder, an auditor shall be appointed

on behalf of the holders of said debentures, by the senior judge of the county court of the county of York for the time being, after such notice, if any, as the said judge may see fit to direct. The said senior county judge may also at any time after 1905, and during the currency of the debentures issued under this Act, on the application of a holder or holders of such debentures to the amount of $50,000 or over, and upon such evidence as shall satisfy such judge of the necessity or advisability therefor, appoint an auditor. Said auditor shall enter on his duties on the third Monday in January next after his appointment if made in December, or earlier in January than the third Monday, and shall enter on same forthwith after his appointment if made at any other time, and have the powers and duties prescribed for municipal auditors under *The Consolidated Municipal Act 1892*, but shall not be liable to removal by the council, and during the currency of said debentures the right of the head of the council to appoint an auditor shall be suspended, the intention being that only two auditors shall be appointed, one by the council and the other by the senior county judge on behalf of the debenture holders, and the said auditor appointed by the senior county judge shall audit all accounts before payment and shall have power to compel the carrying out of the provisions of this Act by summary application at any time to a judge of the High Court of Justice; the remuneration of such auditor shall be fixed by the said senior county judge and shall not exceed the rate of $250 per annum and shall be payable by the corporation. 55 V. c. 42.

17. If and whenever the corporation shall fail to appoint assessors, or to appoint one or more collectors to collect the rates required to be raised under this Act, or if they fail at any time to impose and levy a sufficient rate or rates for the purpose of providing for the payment of the principal and interest of such debentures, or if it shall be made to appear to the senior judge of the county court of the county of York that the assessors, or collector or collectors appointed by the corporation are not fairly and honestly performing the duties of their respective offices, or that they are endeavoring to delay or prevent the collection of the rate or rates required to be raised, it shall be lawful for such judge upon the application of any holder or holders of debentures issued under this Act from time to time to appoint assessors to make up the proper rates, and they shall have power to call for the assessors' roll for the current year, and assess, impose and levy such rate or rates or to proceed with the collection of the uncollected portion of such rate or rates and any other taxes in arrear, and to take such steps as may be necessary for that purpose, and also to prepare assessors' or collectors' rolls and to place the same in the hands of assessors or collectors of his own selection who are hereby authorized to Act in the same manner as if they had been appointed by the corporation under the provisions of the municipal or assessment Acts, and it shall be

Default by corporation in appointing assessors or collectors.

the duty of any assessor or collector so complained of forthwith to hand over his rolls and any money collected to the person or persons so appointed by the county judge.

Costs of application to county judge, etc.

18. The costs and expenses of any application to the county judge and the remuneration payable to such assessors and collectors appointed under the next preceeding section shall be fixed by the said county judge and shall be payable by the corporation.

Assent of electors and other formalities not required.

19. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be advertised in any way or be submitted for the approval of, or receive the assent of the ratepayers of the said town of Toronto Junction in accordance with the provisions of *The Consolidated Municipal Act 1892*, and it shall be sufficient if any such by-law be passed by the municipal council in the form in the schedules D or E to this Act set forth, as the case may be.

55 V. c. 42.

Irregularities in form of debentures.

20. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favor of the holder or purchaser thereof to have been so issued.

Committees to determine how debentures shall be issued.

21. The Mayor of the town of Toronto Junction, Herbert C. Hammond of the city of Toronto, broker, and John Kay Macdonald of the city of Toronto, insurance manager, shall be a committee, and they, or any two of them may and shall determine the amounts of both general and local improvement debentures to be issued under this Act within the limits by this Act authorized, and the purposes for which the same shall be issued, and the disposal and application of all debentures not required for exchange, and such disposal and application shall be in accordance with two certain agreements made between the corporation of the one part and the Molsons Bank and the Canada Life Assurance Company and others respectively of the other part, so far as such agreements extend, and as to any matters not covered by or any debentures not dealt with in such agreements, the same and the disposal and application of such debentures shall be in the absolute discretion of the said committee or of *any* two members without question or appeal. The committee shall also direct and control the exchange of debentures and see to the cancellation of all debentures now outstanding. Should the said Herbert C. Hammond and John

Kay Macdonald, or either of them, die, or be unable or unwilling to act as members of such committee, then one or two other persons, as may be necessary, shall be appointed in their or his place by the majority in value of the holders of existing debentures present or represented at a meeting called for that purpose, at some place in the city of Toronto, by notice advertised twice in a Toronto daily newspaper at least five days before the meeting. The members of the said committee, other than the mayor, shall be compensated by the corporation for their services.

Liability for certain school rates not affected.

22. The passing of this Act shall not affect the liability of the property in the township of York, ratable under by-laws Nos. 82, 139, 207 and 312, as being part of a union school section with the town of Toronto Junction, but the property in the said union school section shall continue to be ratable under said by-laws 82, 139, 207 and 312, and the amounts received from the township of York thereon shall be paid into "The General Debenture Rate."

By-law No. 378 confirmed.

23. That by-law number 378 of the said corporation entitled "A by-law to regulate the periods for taking the assessment and revising the rolls," and a copy of which is set out as schedule C to this Act, is hereby ratified and confirmed, and the assessment and assessment roll referred to in said by-law are hereby confirmed without further revision and are declared to be valid and binding to all intents and purposes as the assessment and assessment roll respectively for the year 1895, provided always that the finance committee shall have power to correct the assessment of any person in respect of personal property so as to make the amount conform to the sum properly assessable in 1895.

Voters' list for 1894 confirmed.

24. The voters' list of the corporation as finally revised by the county judge in the year 1894 is hereby ratified and confirmed as the voters' list for 1895, subject however to revision by the county judge, and a certificate of the clerk of the municipality that the list is a correct list of all persons appearing to be entitled to vote shall be a sufficient certificate under section 7 of *The Ontario Voters' List Act 1889*, without referring in said certificate to the last revised assessment roll of the municipality.

By-laws for grading Weston road and improving Argyle street confirmed.

25. The by-laws heretofore passed by the council of the said corporation for borrowing money by the issue of debentures secured by special assessment on the real property benefited by the grading of the Weston road and the widening and extension of Argyle road and guaranteed by the municipality at large, and all special assessments and all debentures issued or to be issued thereunder are validated and confirmed subject to consolidation under the provisions of this Act.

Agreement with Molsons Bank confirmed.

26. The agreement between the corporation and the Molsons Bank, set forth in schedule F to this Act, is hereby declared to be valid and binding upon the parties thereto.

57 V. c. 84, ss. 8,-11, repealed.

27. Sections 1 to 11, both inclusive, of the Act, passed in the 57th year of Her Majesty's reign, chapter 84, are hereby repealed.

Costs of pending actions.

28. Nothing in this Act contained shall prejudice or affect the question of costs of any action or proceeding now pending.

Short title.

29. This Act may be known and cited as "*The Toronto Junction Debt Consolidation Act, 1895.*"

SCHEDULE A.

Toronto Junction Consolidated General Debenture.

Under and by virtue of the *Toronto Junction Debt Consolidation Act, 1895*, and by-law number of the corporation of the town of Toronto Junction, passed under the provisions contained in the said Act, the corporation of the town of Toronto Junction promise to pay to the bearer at the office of the treasurer in the said town the sum of one thousand dollars and interest thereon at the rate of four and one-half per cent. per annum in gold coin, the same being payable as follows: Interest on the second day of January in each year from 1896 to 1905, both inclusive, and on the second day of January in each year from 1906 to 1935, both inclusive, combined payments of principal and interest of the amount of $53.20 on the presentation and surrender of the yearly coupons hereto annexed as they shall severally become due, and the sum of $500 on the second day of January, 1935, on the presentation and surrender of this debenture.

Dated at the town of Toronto Junction, this first day of June, A.D. 1895.

A. B.,
Mayor.

C. D.,
Treasurer.
[L.S.]

First coupon will be $26.25.
Nine following coupons, each $45.
Thirty following coupons, each $53.20

SCHEDULE B.

Toronto Junction Consolidated Local Improvement Debenture.

Under and by virtue of the *Toronto Junction Debt Consolidation Act, 1895*, and By-law number of the corporation of the town of Toronto Junction, passed under the provisions contained in the said Act, the corporation of the town of Toronto Junction promise to pay to the bearer at the office of the treasurer of the said town the sum of one thousand dollars in gold coin on the second day of January, 19 , on presentation and surrender of this debenture, and to pay interest thereon at the rate of four and one-half per cent. per annum on the second day of January in each year on presentation and surrender at the office of the said treasurer of the yearly coupons for interest hereto attached as they shall severally become due.

This debenture is subject to earlier payment under the provisions of section 11 of the said Act.

Dated at the town of Toronto Junction, this first day of June, A.D. 1895.

A. B.,
Mayor.

C. D.,
Treasurer.
[L. S.]

First coupon will be $26.25.
Following coupons, each $45.

SCHEDULE C.

No. 378, A by-law to Regulate the Periods for Taking the Assessment and Revising the Rolls.

Passed February 20th, 1895.

Whereas by by-law number 181, passed on the 3rd day of December, 1894, under the authority of section 53 (1) of *The Consolidated Assessment Act 1892*, it was enacted that, commencing with the year 1895, the assessment for the town of Toronto Junction should be taken between the first day of July and the thirtieth day of September in each year and the assessment rolls should be returnable to the town clerk on the first day of October in each year and that the town clerk should regulate all notices of appeal and the sittings of the court of revision and for hearing of appeals by the county judge so that the said court of revision should close on the fifteenth day of November and the final return by the judge of the county court should be made on or before the thirty-first day of December each year and that the assessment so made

and concluded should be the assessment on which the rate of taxation for the following year should be levied unless the council of the following year otherwise determine and by the said by-law it was further enacted that in the year 1895 the assessment for 1894 should be adopted as the basis of assessment unless the council otherwise determine ;

And whereas it is expedient to adopt the said assessment for the year 1894 and the assessment roll thereof as the assessment and assessment roll for the year 1895.

Be it therefore enacted by the municipal council of the corporation of the town of Toronto Junction as follows ;

1. That the assessment for the town of Toronto Junction shall in each year, commencing with the present year, be taken between the first day of July and the thirtieth day of September and the assessment rolls shall be returnable to the town clerk on the first day of October and the town clerk shall regulate all notices of appeal and the sittings of the court of revision and for hearing of appeals by the county judge so that the said court of revision shall close on the fifteenth day of November and the final return by the judge of the county court shall be made on or before the thirty-first day of December and the assessment so made and concluded shall be the assessment on which the rate of taxation for the following year shall be levied unless the council of the said following year otherwise determine.

2. The assessment made in 1894 and the assessment roll thereof as finally revised are hereby confirmed and declared valid and binding to all intents and purposes upon the ratepayers of the town and all others and upon the property and lands affected thereby or contained, set out and described in the said roll as the assessment and the assessment roll of the said town for the year 1895 and upon which the rates and taxes of the said town for the year 1895 shall be levied and collected and no further revision of the said assessment shall be necessary.

{ Corporate Seal } { Toronto Junction. }

JAMES BOND,
Mayor.
ROBERT J. LEIGH,
Town Clerk.

SCHEDULE D.

A by-law to authorize the issue of debentures for $
under *The Toronto Junction Debt Consolidation Act 1895.*

Be it enacted by the municipal council of the corporation of the town of Toronto Junction as follows :—

1. The mayor and treasurer are hereby authorized and directed to issue Toronto Junction Consolidated General Debentures to the amount of $ ..... under the authority

of the said Act and for the purposes therein mentioned, which debentures shall be of the denominations of $1,000 and $100, respectively, bearing interest at the rate of four and one half per cent. per annum, the same being payable in gold coin as follows:

Interest computed from 1st June, 1895, up to 2nd January, 1896, shall be payable on that date, and thereafter yearly on 2nd January in each year to 2nd January, 1905, inclusive.

On 2nd January in each year from 1906 to 1935, both inclusive, a payment at the rate of $5.32 on each one hundred dollars shall be made, that amount being sufficient during that time to discharge one-half of the principal money of each debenture and all interest on such debenture, and the remaining half of the principal money shall be payable on 2nd January, 1935.

The interest for the period to 2nd January, 1905, as well as the annual payments of principal and interest during the next succeeding thirty years shall be represented by coupons annexed to the debentures.

2. There shall be raised and levied on the 1st day of December in the year 1895 and of each succeeding year up to 1934, inclusive, a sum sufficient to pay and discharge the amount falling due on the 2nd day of January of the year then next ensuing (excepting the half of the principal money payable on 2nd January, 1935, which is not required to be levied), and such sum shall be so raised and levied by a general rate sufficient therefor upon the whole ratable property in the town.

SCHEDULE E.

A by-law to authorize the issue of Local Improvement Debentures for $ under *The Toronto Junction Debt Consolidation Act, 1895.*

It is hereby enacted by the municipal council of the corporation of the town of Toronto Junction as follows:

1. The mayor and treasurer are hereby authorized and directed to issue Toronto Junction Local Improvement Debentures to the amount of $ under the authority of the said Act, and for the purposes therein mentioned.

2. Such debentures shall be of the denominations of $1,000 and $100, respectively, payable at the office of the town treasurer on 2nd January, 19 , and bearing interest at the rate of four and one-half per cent. per annum, computed from 1st June, 1895, payable on the 2nd day of January of each year, and shall have attached coupons for such interest.

3. The said debentures shall be subject to earlier payment in the manner mentioned in section 11 of the said Act.

SCHEDULE F.

This agreement made the first day of March, 1895, between The Corporation of the Town of Toronto Junction herein called "The Corporation," of the first part, and The Molsons Bank, herein called "The Bank," of the second part.

1. Whereas the bank are the owners and holders of certain local improvement debentures issued by the corporation amounting to twenty thousand and twenty-five dollars or thereabouts.

2. And whereas the bank have made advances to the corporation for local improvement works to the amount of twenty-seven thousand four hundred and fifty-six dollars and twenty-seven cents or thereabouts, and hold in security therefor certain local improvement debentures to about an equal amount.

3. And whereas the bank have made an advance to the corporation of $10,000, and in security therefor hold debentures issued by the corporation to the amount of about $15,000.

4. And whereas the bank have lent and advanced to the corporation from time to time sundry sums, and there is now owing and unpaid to the bank in respect thereof sixty-three thousand and fifty-eight dollars and eighty-five cents, or thereabouts, and the bank claim that such amount should be repaid out of all the uncollected taxes imposed for all purposes for the years from 1890 to 1893, both inclusive, and out of one-half of the uncollected taxes imposed for all purposes except local improvement purposes for the year 1894, by-laws having been from time to time passed by the corporation and agreements made for such advances under the provisions of section 413 of *The Municipal Act.*

5. And whereas the corporation are unable to meet their pecuniary engagements as they fall due, and have applied to the holders of their debentures and to the bank to come to an arrangement for giving time and facilities for paying their liabilities, and a basis of agreement has been arrived at between the corporation, the bank and the majority in value of the holders of debentures, and a bill to give effect thereto is now being promoted before the Legislative Assembly for the Province of Ontario, and it is desirable to define herein the agreement between the corporation and the bank in reference to the bank's several claims above mentioned, and in other respects.

Now this agreement witnesseth that the corporation and the bank agree together, as follows:—

6. For the amount which will be due at first June, 1895, or other date of exchange fixed by the proposed Act, in respect of the debentures mentioned and referred to in recital one valued as proposed in the bill now being promoted, and also for the amount which will be due at first June, or such other date of exchange in respect of the advances mentioned in recital two, the bank shall receive and take a corresponding amount of the debentures intended to be authorized by such proposed Act of

the class corresponding with the debentures referred to in recitals one and two, in the same way and on the same terms as other debenture holders.

7. The bank shall be paid at first June, 1895, or other date for exchange, the amount then due to them in respect of the advance mentioned in recital three.

8. At first June, 1895, or other date of exchange the bank shall receive and take in payment of $27,000 portion of the advances mentioned and referred to in recital four general consolidated debentures to be issued in pursuance of the proposed legislation for the amount of $28,400 and $25 in cash.

9. In or towards payment of the remaining portion of the advances mentioned in recital four (hereinafter called the "remaining portion") and interest the bank shall be entitled to receive all sums which may be collected by the corporation from the unpaid taxes mentioned in recital four, that is, all such taxes for the years 1890 to 1893, both inclusive, and one-half of the taxes for the year 1894, except those imposed for local improvements, until such "remaining portion" and interest from this date at the rate of five per cent. per annum is fully paid, it being agreed that all sums so collected shall be applied on account of principal in the first instance, and that the corporation shall in addition thereto out of their general funds pay to the bank on the second day of January in each year interest at that rate on the amount from time to time remaining unpaid. If such "remaining portion" and interest be not fully paid before first August, 1898, then the bank shall be entitled to receive from the corporation general consolidated debentures to be authorized by such Act to an amount equal to the then unpaid balance of such "remaining portion" and interest, and shall hold such debentures as further or collateral security for such unpaid balance, and shall continue to receive all sums which may be collected from such unpaid taxes up to first August, 1902.

If the said "remaining portion" and interest be not then fully paid, and if the bank claim that further moneys are collectable from such unpaid taxes, then if the corporation and the bank are unable to agree upon the amount if any that is collectable, that question shall be referred to the committee mentioned in the said Act, and their decision thereon shall be final. The corporation shall thereupon pay to the bank the amount agreed upon or decided by the said committee as the case may be, and on such payment the bank shall retain an amount of such general consolidated debentures equal to the amount of such "remaining portion" and interest still remaining unpaid, and shall thenceforward hold such debentures in discharge thereof, and the remaining debentures held as collateral security shall be cancelled and returned to the corporation. The bank shall also thereupon assign and release to the corporation all the said taxes then remaining uncollected and all claims thereon.

10. The bank shall be entitled to enforce the collection of such taxes for their benefit by the means which may be provided by the said intended legislation for the collection of other rates and taxes, and by the aid of the senior county judge of the county of York and of the auditor, assessors and collectors as provided by such legislation, and this agreement may be confirmed by such legislation or express provision made therein for the enforcement of this agreement.

11. No action or proceedings shall be taken by the bank until after 1st August, 1902, in respect of such "remaining portion," or any part thereof, except proceedings in case of non-payment of annual interest or to enforce the collection of said taxes, or to recover from the corporation or any officers thereof any sums of money which may have been collected on account thereof.

12. If power be given to the corporation as is sought in the bill now being promoted to acquire the lands which in 1894 were sold for less than the amount of taxes thereon, the bank may advance to the corporation the amount of money required for that purpose, and in that case such amount shall bear interest at the rate of five per cent. per annum, and the bank shall be entitled to receive all sums of money which may be paid by the owners of any such lands for redemption thereof as well as all sums of money which may be realized by the corporation from the sale of any of such lands, and shall apply the same in the first place in repayment of the amount so advanced with interest as aforesaid, and then in or towards payment of such "remaining portion" and interest. If the bank do not within two weeks after being requested so to do, advance to the corporation the amount of money which may be required for the purpose mentioned in this clause, the corporation shall be free to obtain such amount elsewhere, as may be provided in the said Act.

13. The bank agree to contribute rateably with the other debenture holders named in schedule A annexed to an agreement of even date made between the corporation and such debenture holders, the amount required to pay the claims mentioned in schedule B to such agreement, the basis of the bank's contribution being the sum of one hundred and ten thousand five hundred and forty dollars and twelve cents ($110,540.12) made up of the sums mentioned in recitals 1, 2 and 4 of this agreement, and upon the terms mentioned in said agreement with debenture holders.

In witness whereof the corporate seals of the parties are hereto affixed under the hands of the proper officers respectively.

Witness to the corporation.
FRED BARKER.

JAMES BOND,
Mayor.

A. H. CLEMMER,
Town Treasurer.

Witness to the signature of John H. R. Molson, President,
HUBERT LOCKWOOD,
Montreal.

Corporate Seal.

The Molsons Bank,
JOHN H. R. MOLSON,
President

Corporate Seal.

No. 48.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Debt of the Town of Toronto Junction and for other purposes.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 49.] **BILL.** [1895.

An Act to incorporate The Windsor, Amherstburg and Lake Erie Railway Company.

Preamble.

WHEREAS, James A. Randall and Edward W. Voigt, of Detroit, Michigan, Samuel W. Smith, of Pontiac, Michigan, , of Windsor, and of Amherstburg, County of Essex, Ontario, have prayed for an Act of incorporation under the name of "The Windsor, Amherstburg and Lake Erie Railway Company" for the purpose of constructing a railway from the city of Windsor to the town of Sandwich, and from thence to the town of Amherstburg, and through said towns to what is known as Bar Point on the south shore of Lake Erie, all in the county of Essex, and passing through the townships of Sandwich West, Anderdon and Malden; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said James A. Randall and Edward W. Voigt, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Windsor, Amherstburg and Lake Erie Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain, and operate an iron or steel railway to be operated by steam or any other motive power from the city of Windsor, to the town of Sandwich and from thence to the town of Amherstburg and through said town to what is known as Bar Point on the south shore of Lake Erie, all in the county of Essex, and passing through the townships of Sandwich, Anderdon, and Malden, and the said railway may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the councils of any of the said corporations and the said company; and may make and enter into any agreements

with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions of *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Acquiring rights for use of electricity as motive power.

3. The company, should it desire to use that kind of motive power, may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through, or under lands, other than the right of way of the railway by this Act authorized to be built, and to lay conduits under, or to erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in said county by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such line or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same or injuriously to interrupt the navigation of such waters.

Proviso.

Gauge.

4. The gauge of the said railway shall be four feet inches.

Provisional directors.

5. The said James A. Randall, Edward W. Voigt and Samuel W. Smith, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it, or in aid of the undertaking; and to enter into any agreements respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario* are vested in other directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their under-

Rev. Stat. c. 170

taking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Windsor, in the county of Essex or at such other place as may best suit the interests of the said company.

Capital stock.

7. The capital stock of the company hereby incorporated shall be $300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing, and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation or any municipality on or near the line of such work may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Rev. Stat. c. 170.

Subscriptions for stock when binding.

8. No subscription for stock in the capital of the said company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First election of directors.

9. When, and as soon as shares to the amount of $150,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the purposes of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of said company, giving at least four weeks' notice

of such meeting in the *Ontario Gazette* and once a week in at least one newspaper published in the city of Windsor, and one newspaper published in the town of Amherstburg, of the time, place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations, and by-laws, as may be deemed expedient, and are not inconsistent with this Act, or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office, general annual meeting.

11. The head office of the said company shall be at the town of Amherstburg, and the general annual meetings of the shareholders of the said company shall be held at said place, or in such other places and on such days and at such hours as may be directed by the by-laws of the company. Public notice, however, of such general annual meetings shall be given at least once a week, for four weeks previous thereto, in the *Ontario Gazette*, and once a week in one newspaper published in said city of Windsor, and one newspaper published in the town of Amherstburg, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Qualifications of directors.

13. No person shall be elected a director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with a map or plan thereof and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length; and

Rev. Stat. c. 170.

upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the entire line of the said railway is to pass, together with the map or plan of the whole thereof, and of its course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys."

Power to acquire lands.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary, or suitable for park or pleasure grounds, not exceeding one hundred acres in any one municipality; and the said company is authorized to improve and lay out such lands as parks or places of public resort, and may make or enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situated, or any of them in respect thereto; provided that none of the foregoing provisions of this section shall be in force and effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by said company are situated, shall by by-law acquire its or their assent to such acquisition; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed three hundred acres; provided, however, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passage of this Act; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Proviso.

Proviso.

Proviso.

Rights of aliens.

16. Aliens, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricity.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway, should it hereafter be deemed more economical and advantageous to use that method of propulsion—and for lighting and heating the rolling stock of the company,

and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Use of highways by company.

18. Wherever the said railway or its cars, carriages, engines, motors, or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and subject also, in all municipalities except cities, towns, and incorporated villages to the written consent, first being obtained of one-half in number of the owners of property fronting on such street or highway where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railway or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building exected in the vicinity of the same, or to endanger the same.

Crossing railways.

19. Except in cities, towns, and incorporated villages, the railway of any company operated by steam, shall not be crossed or intersected, by the railway of the company hereby incorporated, at grade.

Issue of debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months, after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other

Proviso.

trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Windsor, Amherstburg and Lake Erie Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

22. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, engines, electric motors, carriages, cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, engines, electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Bonding powers.

24. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railway, and the provisions of subsections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said subsection.

Rev. Stat. c. 170.

Calls on stock.

25. The directors may, from time to time, make calls as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Payments in stock or bonds.

26. The said directors or provisional directors may pay or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

27. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

28. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. Conveyances of land to company.

29. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Mortgaging or pledging bonds.

30. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots. Rev. Stat., c. 170.

31. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required. Acquiring material for construction. Rev. Stat. c. 170.

Sidings to gravel pits.

32.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 170.

Aid to railway.

33. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Gift of lands.

34. Any municipality through which the railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for the right of way, station grounds or other purposes connected with the traffic or running of the railway, and the railway company shall have power to accept gifts of land from any government or any person, or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities.

35. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of a bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; *provided always* that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

36. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in the manner following namely :— Submitting bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and in what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto. 55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto, as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters, as aforesaid.

37. Such by-law shall in each instance provide : By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

38. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon Petition against aid from county.

any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

39. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law is submitted.

40. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

41. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

42. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Council to pass by-law if assented to by ratepayers.

43. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

44. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

45. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

46. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

47. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

48. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer shares.

49. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

50. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of

the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Payment of back charges on goods.

51. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

52. The directors of said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no such contracts shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Provided.

Incorporation of provisions of Rev. Stat. c. 170.

53. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

54. The railway shall be commenced within two years and completed within three years after the passing of this Act.

SCHEDULE A.

(*Section 30.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by *The Windsor, Amherstburg and Lake Erie Railway Company*, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowl-

edged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said *The Windsor, Amherstburg and Lake Erie Railway Company*, their successors and assigns forever (*here insert any other clause, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

[L.S.]

Signed, sealed and delivered in the presence of

SCHEDULE B.

(*Section 21.*)

Chief Engineer's Certificate.

The Windsor, Amherstburg and Lake Erie Railway Company's Office.

No. A.D., 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on *The Windsor, Amherstburg and Lake Erie Railway Company's Municipal Trust Account* given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of *The Windsor, Amherstburg and Lake Erie Railway Company*, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 49.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Windsor, Amherstburg and Lake Erie Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 49.] **BILL.** [1895.

An Act to incorporate The Windsor, Amherstburg and Lake Erie Railway Company.

Preamble.

WHEREAS, James A. Randall and Edward W. Voigt, of Detroit, Michigan, Samuel W. Smith, of Pontiac, Michigan, William McGregor, M.P., of Windsor, Thomas Ouelette, of the township of Anderdon, and W. D. Balfour, M. *P.P.*, of Amherstburg, County of Essex, Ontario have prayed for an Act of incorporation under the name of "The Windsor, Amherstburg and Lake Erie Railway Company" for the purpose of constructing a railway from the city of Windsor to the town of Sandwich, and from thence to the town of Amherstburg, and through said towns to what is known as Bar Point on the south shore of Lake Erie, passing through the townships of Sandwich West, Anderdon and Malden, all in the county of Essex; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said James A. Randall, Edward W. Voigt, Samuel W Smith, William McGregor, M.P., Thomas Oulette and W. D. Balfour, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Windsor, Amherstburg and Lake Erie Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain, and operate an iron or steel railway to be operated by steam from the city of Windsor, to the town of Sandwich and from thence to the town of Amherstburg and through said town to what is known as Bar Point on the south shore of Lake Erie, passing through the townships of Sandwich *West*, Anderdon and Malden, all in the county of Essex

Gauge.

3. The gauge of the said railway shall be four feet *eight and one-half* inches.

Provisional directors.

4. The said James A. Randall, Edward W. Voigt, Samuel W. Smith, W. McGregor, Thomas Ouelette and W. D. Balfour, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it, or in aid of the undertaking; and to enter into any agreements respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario* are vested in other directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Windsor, in the county of Essex or at such other place as may best suit the interests of the said company.

Rev. Stat. c. 170

Capital stock.

6. The capital stock of the company hereby incorporated shall be $300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates

Rev. Stat. c. 170.

connected with th *works* hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing, and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such *works* may by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Subscriptions for stock when binding.

7. No subscription for stock in the capital of the said company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

First election of directors.

8. When, and as soon as shares to the amount of $150,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the *services* of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and once a week in at least one newspaper published in the city of Windsor, and one newspaper published in the town of Amherstburg, of the time, place and purpose of the said meeting.

Number of directors and quorum.

9. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations, and by-laws, as may be deemed expedient, and are not inconsistent with this Act, or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office, general annual meeting.

10. The head office of the said company shall be at the *said* town of Amherstburg, and the general annual meetings of the

shareholders of the said company shall be held at said place, or in such other places and on such days and at such hours as may be directed by the by-laws of the company. Public notice, however, of such general annual meetings shall be given at least once a week, for four weeks previous thereto, in the *Ontario Gazette*, and once a week in one newspaper published in said city of Windsor, and one newspaper published in the *said* town of Amherstburg, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

11. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Qualifications of directors.

12. No person shall be *qualified to be* elected a director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with a map or plan thereof and of *its* course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length ; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the *whole* of the said railway is to pass, together with the map or plan of the whole thereof, and of its *whole* course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to " plans and surveys."

Rev. Stat. c. 170.

14. The said company is hereby authorized to purchase, lease or acquire by voluntary donation and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary, or suitable for park or pleasure grounds, not exceeding one hundred acres in any one municipality: and the said company is authorized to improve and lay out such lands as parks or places of public resort, and may make *and* enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situated, or any of them in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; provided that none of the foregoing provisions of this section shall be in force *or have* effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by said company are situated, shall by by-law *have declared* its or their assent to the said company acquiring lands under and for the purposes mentioned in this section; provided that such park or pleasure grounds shall not be open to the public on the Lord's day to be used for games, picnics, concerts, excursions or other public entertainments; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed three hundred acres; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Power to acquire lands.

Proviso.

Proviso.

Proviso.

15. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Rights of aliens.

16. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months, after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other

Issue of debentures.

Proviso.

trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

17. The said trustees shall receive the said debentures or bonds in trust, firstly under the direct ons of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Windsor, Amherstburg and Lake Erie Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said *railway* for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

18. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

19. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for the leasing, hiring, or use of any locomotives, engines, carriages, cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into any agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, engines, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Bonding powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railway, and the provisions of subsections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 170.

Calls on stock.

21. The directors may, from time to time, make calls as they shall *think* fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 11 of this Act.

Payments in stock or bonds.

22. The said directors or provisional directors may pay or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Negotiable instruments.

23. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the presidents vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Conveyances of land to company.

24. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Mortgaging or pledging bonds.

25. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Power to purchase whole lots.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 170.

Acquiring material for construction.

27. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

28.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Sidings to gravel pits. Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

29. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to railway.

30. Any municipality through which the railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for the right of way, station grounds or other purposes connected with the traffic or running of the railway, and the railway company shall have power to accept gifts of land from any government or any person, or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Gift of lands.

31. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained ; *provided always* that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways. Aid from municipalities.

Submitting bonus by-laws.

32. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in the manner following namely :—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and *for* what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or *of* fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto, as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters, as aforesaid.

By-law, what to contain.

33. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

34. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon

any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

35. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law is submitted.

36. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

37. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

38. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Council to pass by-law if assented to by ratepayers.

39. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

40. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

41. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

42. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

43. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

44. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer shares.

45. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

46. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of

the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Payment of back charges on goods.

47. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

48. The directors of said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no such contracts shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Provided.

Incorporation of provisions of Rev. Stat. c. 170.

49. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

50. The railway shall be commenced within two years and completed within *five* years after the passing of this Act.

SCHEDULE A.

(*Section 24.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Windsor, Amherstburg and Lake Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowl-

edged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Windsor, Amherstburg and Lake Erie Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

[L.S.]

Signed, sealed and delivered }
in the presence of }

SCHEDULE B.

(*Section 17.*)

Chief Engineer's Certificate.

The Windsor, Amherstburg and Lake Erie Railway Company's Office

No. A.D., 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on The Windsor' Amherstburg and Lake Erie Railway Company's Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of The Windsor, Amherstburg and Lake Erie Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to incorporate The Windsor, Amherstburg and Lake Erie Railway Company.

First Reading, 19th March, 1895.

(*Reprinted as amended by Railway Committee.*)

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 50.] **BILL.** [1895.

An Act to confer certain powers on the Village of Sundridge and the Township of Strong.

Preamble.

WHEREAS the municipal councils of the village of Sundridge and the township of Strong have, by their petitions respectively represented, that, owing to the reservation of the pine timber in the district of Parry Sound (in which both of said municipalities are situate) and to a very large portion of the lands in said district being rough, uncleared, and comparatively unfit for agricultural purposes, the farmers residing therein labor under peculiar difficulties; and whereas a large portion of such lands is well suited to the raising of sheep, and contains an abundance of timber (other than pine) but there is no local cash market for any of the products thereof; and whereas for the purpose of promoting the clearing and cultivation of the said lands, and the raising of sheep thereon and affording help to the farmers thereof, it is necessary to secure the establishment of certain industrial enterprises, to wit: a woollen mill, tannery and bobbin factory; and whereas the case of the said municipalities is by reason of the matters aforesaid quite exceptional, and whereas it is expedient to grant the prayer of said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Granting aid to certain industries.

1. Subject as hereinafter provided it shall be lawful for the municipal council of the village of Sundridge to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of the said industrial enterprises within the said village, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $7,500, to issue debentures and do all other Acts in connection therewith as if the power to grant bonuses was still vested in municipalities; and it shall also be lawful for the municipal council of the township of Strong to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of the said industrial enterprises within the said village, or to take stock in any such industrial enterprises to an amount not exceeding, under the

powers conferred by this Act, an aggregate of $1,000, to issue debentures, and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Adoption of by-laws.

2. No such aid by way of loan, bonus or subscribed stock or any of them, shall be given until after the passing of by-laws by the respective municipal councils for the purpose, and the adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act 1892*, in the case of by-laws for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

55 V. c. 42.

Vote of two-thirds of ratepayers entitled to vote, who obtained.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers, who are entitled to vote upon any by-law granting aid to, or for promoting the establishment of the said manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.

Certificates of clerk as to requisite number of votes.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act 1892*, the clerks of the respective municipalities, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' lists such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Disputes as to result of voting.

5. In case of a dispute as to the result of the votes on any by-laws submitted under this Act, the stipendiary magistrate shall have the same powers for determining the question as the district or county judge has in any case of a scrutiny of votes.

Procedure to be the same as on a scrutineer.

6. The petition to the stipendiary magistrate may be by an elector or by the councils or either of them, and the proceedings for obtaining the stipendiary magistrate's decision shall be the same as nearly as may be as in the case of a scrutiny.

Application of certain sections of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328, inclusive of *The Consolidated Municipal Act 1892*, and their sub-sections shall be taken and considered as part of this Act.

Application of provisions of 55 V. c. 42, as to creation of debts.

8 Except as otherwise provided in this Act all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same shall apply and be read as part of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confer Certain Powers on the Village of Sundridge and the Township of Strong.

First Reading, 22nd March, 1895.

(Private Bill.)

Mr. BEATTY,
(Parry Sound.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 50.] **BILL.** [1895

An Act to confer certain powers on the Village of Sundridge and the Township of Strong.

Preamble.

WHEREAS the municipal councils of the village of Sundridge and the township of Strong have, by their petitions respectively represented, that, owing to the reservation of the pine timber in the district of Parry Sound (in which both of said municipalities are situate) and to a very large portion of the lands in said district being rough, uncleared, and comparatively unfit for agricultural purposes, the farmers residing therein labor under peculiar difficulties; and whereas a large portion of such lands is well suited to the raising of sheep, and contains an abundance of timber (other than pine) but there is no local cash market for any of the products thereof; and whereas for the purpose of promoting the clearing and cultivation of the said lands, and the raising of sheep thereon and affording help to the farmers thereof, it is necessary to secure the establishment of certain industrial enterprises, to wit: a woollen mill, tannery and bobbin factory; and whereas no opposition has been offered to the said petition, and it has also been made to appear that neither of the said municipal corporations have any debenture debt to provide for; and whereas the case of the said municipalities is by reason of the matters aforesaid quite exceptional, and whereas it is expedient to grant the prayer of said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Granting aid to certain industries.

1. Subject as hereinafter provided it shall be lawful for the municipal council of the village of Sundridge to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of the said industrial enterprises within the said village, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $7,500, to issue debentures and do all other Acts in connection therewith as if the power to grant bonuses was still vested in municipalities; and it shall also be lawful for the municipal council of the township of Strong to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of the said industrial

enterprises within the said village, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $1,000, to issue debentures, and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Adoption of by-laws.

2. No such aid by way of loan, bonus or subscribed stock or any of them, shall be given until after the passing of by-laws by the respective municipal councils for the purpose, and the adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act 1892*, in the case of by-laws for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

55 V. c. 42.

Vote of two-thirds of ratepayers entitled to vote, who obtained.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers, who are entitled to vote upon any by-law granting aid to, or for promoting the establishment of the said manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.

Certificates of clerk as to requisite number of votes.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act 1892*, the clerks of the respective municipalities, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' lists such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Disputes as to result of voting.

5. In case of a dispute as to the result of the votes on any by laws submitted under this Act, the stipendiary magistrate shall have the same powers for determining the question as the district or county judge has in any case of a scrutiny of votes.

Procedure to be the same as on a scrutineer.

6. The petition to the stipendiary magistrate may be by an elector or by the councils or either of them, and the proceedings for obtaining the stipendiary magistrate's decision shall be the same as nearly as may be as in the case of a scrutiny.

Application of certain sections of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328, inclusive of *The Consolidated Municipal Act 1892*, and their sub-sections shall be taken and considered as part of this Act.

Application of provisions of 55 V. c. 42, as to creation of debts.

8 Except as otherwise provided in this Act all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same shall apply and be read as part of this Act.

No. 50.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confer Certain Powers on the Village of Sundridge and the Township of Strong.

First Reading, 22nd March, 1895.

(Reprinted as amended by Private Bills Committee.)

(Private Bill.)

Mr. BEATTY,
(Parry Sound.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 51.] **BILL.** [1895.

An Act respecting the Town of Palmerston.

Preamble.

WHEREAS the corporation of the town of Palmerston has represented by its petition that the boundaries of the said town as described in section 2 of the Act passed in the 38th year of Her Majesty's reign chaptered 33 are erroneous, in that lots 22 and 23 in the tenth concession of the township of Wallace in the county of Perth ought to be lots 22 and 23 in the ninth concession of the said township of Wallace and are ambiguous in that it does not appear in how much or what part of lots 22 and 23 in the ninth concession and lots 16, 17, 18, 19, 20, and 21, in the tenth concession of the township of Wallace and lots 19, 20, 21, 22, 23, 24 and 25 in the first concession of the township of Minto in the county of Wellington is or are included within the boundaries of the said town; and whereas the said corporation of town of Palmerston has, by its petition further represented, that a loan or further loans under the provisions of the Act passed in the 47th year of Her Majesty's reign chaptered 55 could be more advantageously raised if the debentures therefor were issued for a term of thirty years to be at the expiration of that time retired by a sinking fund for that purpose provided during the said term;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

38 V.c. 33, s. 2, repealed.

1.—(1) Section 2 of the said Act passed in the 38th year of Her Majesty's reign chaptered 33 is repealed and the following substituted therefor:

Limits of town of Palmerston.

(2) The said town shall comprise and consist of the following lands and premises within the said town, that is to say, lots 16, 17, 18, 19, 20, and 21, in the eleventh concession of the township of Wallace in the county of Perth and those parts of lots 16, 17, 18, 19, 20 and 21, in the tenth concession and 22 and 23 in the ninth concession of the said township of Wallace described and bounded as follows:—commencing at the northeastern angle of said lot 16 in the tenth concession, thence southerly along the eastern boundary of said lot thirty chains to a point, thence westerly along a line parallel to the northern boundary of said lots 16, 17, 18, 19, 20 and 21 produced to the western limit of said lot 23 in the

ninth concession, thence northerly four chains and ninety links more or less to the the northern boundary of said lot 23, thence easterly along the northern boundaries of said lots 23 and 22 in the ninth concession and the said boundary produced to the northern boundary of said lot 21 in the tenth concession, thence easterly along the northern boundaries of said lots 21, 20, 19, 18, 17 and 16 in the tenth concession to the place of beginning, which said parts of lots 16, 17, 18, 19, 20 and 21 in the tenth concession each containing forty-five acres more or less and which said part of lot 22 in the ninth concession contains thirty-three and one-half acres more or less and which said part of lot 23 in the ninth concession contains sixteen acres more or less; also fifty acres more or less of each of lots 19, 20, 21, 22, 23, 24 and 25 in the first concession of the township of Minto in the county of Wellington more particularly described as follows:—commencing at the south-westerly angle of said lot 25 thence northerly along the western boundary of said lot 25, twenty-five chains to a point, thence easterly parallel to the southern boundaries of said lots in the first concession of Minto to the eastern limit of said lot 19 in the first concession thence southerly along the said eastern limit of lot 19 twenty-five chains more or less to the southern boundary of said lot 19, thence westerly along the southern boundaries of said lots in the first concession of Minto to the place of beginning.

Section to be retroactive.

(2) This section shall operate and be of the same effect as if it had been contained in the said Act when the same was passed.

47 V. c. 55, amended.

2. Notwithstanding anything to the contrary in the Act passed in the 47th year of Her Majesty's reign chaptered 55, contained.

Issuing debentures for purposes of 47 V. c. 55.

(1) It shall be lawful for the said corporation of the town of Palmerston in the alternative to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans and further authorizing the issue of debentures therefor for the purpose and in respect of the said Act passed in the 47 year of Her Majesty's reign chaptered 55, and to impose in and by the said by-law or by-laws a special rate per annum on the whole rateable property of the said municipality over and above and in addition to all other rates to be levied in each year sufficient to pay interest on the said debentures and to form a sinking fund sufficient with the estimated interest on the investment thereof to pay the principal of the said debentures when due.

Debentures and interest, how payable.

(2) The principal sum to be secured by the debentures so issued shall be payable either in sterling or currency and the same with interest accrued thereon may be payable either in this province or Great Britain or elsewhere as the said council may, by the said by-law or by-laws direct, and the said debentures issued under any such by-law and each of

such by-laws shall be made payable in thirty years from the date of the issue of such debentures respectively. Coupons shall be attached to the said debentures for the payment of interest thereon and such interest shall be payable half yearly at the places mentioned therein.

Investment of sinking fund.

(3) The treasurer of the said corporation by and with the consent and approbation of the said council from time to time, shall have power to invest all moneys standing to the credit of the sinking fund created under this Act in the redemption of the said debentures issued under the authority of this Act or in Government securities or in municipal debentures or on first mortgages of real estate being a first charge on such real estate but not to any greater extent than two-thirds of the assessed value of such real estate or may deposit the same in any chartered bank in the Dominion of Canada of which the said council may from time to time approve.

47 V. c. 55, to continue in force.

(4) Debentures issued and loans raised under this Act shall be governed in all other respects by the said Act passed in the 47th year of Her Majesty's reign and nothing herein contained shall be deemed to repeal the said last-mentioned Act or any part thereof.

No. 51.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Palmerston.

First Reading, 1895.

(Private Bill.)

Mr. MUTRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 51.] BILL. [1895.

An Act respecting the Town of Palmerston.

Preamble.

WHEREAS the corporation of the town of Palmerston has represented by its petition that the boundaries of the said town as described in section 2 of the Act passed in the 38th year of Her Majesty's reign chaptered 33 *have never been clearly defined inasmuch as* it does not appear what parts of lots 16, 17, 18, 19, 20, and 21, in the tenth concession of the township of Wallace and lots 19, 20, 21, 22, 23, 24 and 25 in the first concession of the township of Minto in the county of Wellington is or are included within the boundaries of the said town, and that no streets were expressly included in the original description; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

38 V.c. 33, s. 2, repealed.

1.—(1) Section 2 of the said Act passed in the 38th year of Her Majesty's reign chaptered 33 is repealed and the following substituted therefor:

Limits of town of Palmerston.

(2) The said town shall comprise and consist of the following lands and premises, that is to say, being composed of lots numbers 16, 17, 18, 19, 20, and 21, in the eleventh concession, and of parts of lots 16, 17, 18, 19, 20 and 21, in the tenth concession of the township of Wallace in the county of Perth, also of parts of lots 19, 20, 21, 22, 23, 24 and 25 in the first concession of the township of Minto in the county of Wellington, all in the Province of Ontario, together with certain parts of the several allowances for roads adjoining the said above mentioned lots, the boundaries and limits of all of which may be more particularly known and described as follows: commencing at the northeasterly angle of lot 16 in the tenth concession of said township of Wallace, thence southerly along the eastern limit of that lot thirty chains, thence westerly along a line drawn parallel with the northerly limit of lots 16, 17, 18, 19, 20 and 21 in said tenth concession to its intersection with the westerly limit of said lot 21, thence northerly along that limit and along the production northerly thereof to the intersection of the centre line of the allowance for road between said townships of Wallace and Minto, thence westerly along

that centre line to its intersection with the production southerly of the centre line of the allowance for road between lots 25 and 26 in said first concession of the township of Minto, thence northerly along that centre line twenty-five chains, thence easterly along a line drawn parallel with the southerly limit of lots 19, 20, 21, 22, 23, 24 and 25 in the said first concession to its intersection with the easterly limit of said lot 19, thence southerly along that limit and along the production southerly thereof to the intersection of the centre line of the allowance for road between the said townships of Wallace and Minto, thence easterly along that centre line to the intersection of the production northerly of the easterly limit of lot number 16 in the eleventh concession of said township of Wallace, thence southerly along that production and along that limit to the southeasterly angle of said last mentioned lot, thence southerly in a straight line to the place of beginning.

No. 51.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Palmerston.

First Reading, 14th March, 1895.

(Reprinted as amended by Private Bills Committee.)

Mr. MUTRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 52.] **BILL.** [1895.

An Act to authorize George Duncan Van Arnam to Practice Dental Surgery.

WHEREAS George Duncan Van Arnam, has by his petition set forth, that he entered upon the study of dentistry within the Province of Ontario, in the office of a duly licensed practitioner in dentistry in the month of January A.D. 1868, for a term of five years which he duly completed, but neglected to present himself for examination for a certificate of practice as a dentist upon the passing in that year of *An Act respecting Dentistry*, and that he has, since the completion of his student term of five years, been constantly engaged in an established office practice, in the practice of the profession of dentistry in the Province of Ontario, and is thoroughly competent to do such work, and that he was then and is now, a British subject; and whereas the said George Duncan Van Arnam has prayed that an Act may be passed to authorize him to practise dental surgery in Ontario; and whereas it is expedient to grant the prayer of the said petition; Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said George Duncan Van Arnam to practise dental surgery in all its departments within the Province of Ontario, and to charge regular fees therefor, and collect the same in as full and ample a manner as if he had taken out, obtained and held a certificate of license to practise dentistry under the said *Act respecting Dentistry* or under any Act now in force in this Province respecting dentistry. G. D. Van Arnam authorized to practise dentistry. Rev. Stat. c. 150.

No. 52.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to authorize George Duncan Van Arnam to Practise Dental Surgery in the Province of Ontario.

First Reading, 1895.

(Private Bill.)

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 52.] **BILL.** [1895.

An Act to authorize George Duncan Van Arnam to Practise Dental Surgery.

Preamble

WHEREAS George Duncan Van Arnam, has by his petition set forth, that he entered upon the study of dentistry within the Province of Ontario, in the office of a duly licensed practitioner in dentistry in the month of January A.D. 1868, for a term of five years which he duly completed, and that he has, since the completion of his student term of five years, been constantly engaged in an established office practice, in the practice of the profession of dentistry in the Province of Ontario, and that he was then and is now, a British subject; and whereas the said George Duncan Van Arnam has prayed that an Act may be passed to authorize him to practise dental surgery in Ontario; and whereas it is expedient upon the terms and conditions hereinafter contained to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

G. D. Van Arnam authorized to practise dentistry subject to certain conditions.

1. It shall and may be lawful for the said George Duncan Van Arnam to practise *dentistry in the counties of Dundas and Grenville*, in the Province of Ontario, without any certificate of qualification until the 1st day of April, A.D. 1897; and the Royal College of Dental Surgeons of Ontario shall admit the said George Duncan Van Arnam to practise as a licentiate of Dental Surgery upon his passing the prescribed final examination, excepting therefrom the subject of chemistry, to be held in the month of March, A.D. 1897, and upon his paying the requisite fees in that behalf, and the said the Royal College of Dental Surgeons of Ontario shall not require the said George Duncan Van Arnam to attend lectures, but the said George Duncan Van Arnam may, at his option, attend the lectures in the School of Dentistry at Toronto during one session without payment of the fees therefor to the said the Royal College of Dental Surgeons, any law, statute or usage to the contrary notwithstanding.

No. 52.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to authorize George Duncan Van Arnam to practise Dental Surgery.

First Reading, 22nd March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill).

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 53.] BILL. [1895.

An Act to provide for the Division of the Township of York.

Preamble.

WHEREAS certain inhabitants of the township of York, in the county of York, have by their petition represented that it is expedient to separate the said township of York into two distinct municipalities, inasmuch as such division of said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of North York constituted.

1. Upon, from and after the last Monday in December, 1895, the inhabitants of all that portion of the township of York described as follows:—Commencing in the easterly limit of the said township of York in the centre line or production thereof easterly of the original allowance for road between the second and third concession from the bay of the said township; thence westerly along said centre line to its intersection with the southerly production of the centre line of the original allowance for road along the easterly limits of lots nineteen and twenty of said third concession; thence northerly along said last mentioned centre line to its intersection with the easterly production of the southerly limit of the town of North Toronto, as described in the Act passed in the 55th year of Her Majesty's reign, chapter 78; thence westerly along said easterly production of the said southerly limit of said town to the southeasterly angle of said town; thence westerly and northerly along the southerly and westerly limits of said town to the centre line of the original allowance for road known as Eglinton avenue along the northerly limit of said third concession from the bay of said township; thence westerly along said last mentioned centre line to the westerly limit of the said township of York on the river Humber; thence northerly along the said westerly limit of said township to the northwesterly angle thereof; thence easterly along the northerly limit of said township to the northeasterly angle thereof; thence southerly along the easterly limit of said township of York to the place of beginning. Excepting therefrom so much thereof as is

included within the limits of the village of Weston, incorporated by by-law number 372 of the county of York, and also excepting therefrom so much thereof as is included within the limits of the town of North Toronto as described in the Act passed in the 55th year of Her Majesty's reign, chapter 78, shall be incoporated as and shall constitute a separate township municipality under the name of "The Municipal Corporation of the Township of North York," and the said territory shall thereafter be deemed to be a separate municipality for all school, municipal and other purposes whatsoever in the same manner and to all intents and purposes as a township incorporated under *The Consolidated Municipal Act 1892*, and the township municipality thereby created shall enjoy all the rights and privileges and shall be subject to all the liabilities appertaining to other townships in the province of Ontario.

55 V. c. 42.

Township of South York constituted.

2. Upon, from and after the said last Monday in December, 1895, the inhabitants of all that portion of the said township of York which remains and which is not so set apart into the said township of North York and included in the territory thereof, in the first section of this Act set out, shall be incorporated as and shall constitute a separate township municipality under the name of "The Municipal Corporation of the Township of South York," and the said territory shall thereafter be deemed to be the municipality of South York for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as a township incorporated under *The Consolidated Municipal Act 1892*, and the said last mentioned township municipality hereby created shall enjoy all the rights and privileges and shall be subject to all the liabilities appertaining to other townships in the province of Ontario.

55 V. c. 42.

Division of assets and liabilities.

3. All and every the assets and debts of the present municipality of the township of York shall be divided between the said respective township municipalities of "North York" and "South York" in the same manner and by the same proceedings, as nearly as may be, as in the case of a separation of a junior township from a senior township, and so soon as the said debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of its debts which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively, but each of the townships hereby created shall remain liable as surety in respect of its share (if any) of the said debts which it is not its duty primarily to pay.

Nomination for first elections in new townships.

4. The first nominations for the election of municipal councillors for the said townships shall take place on the said last Monday in December, 1895, and the polling (if any) at such elections shall take place on the first Monday of January,

1896, and the place for holding such nomination for the township of North York shall be at the schoolhouse at York Mills and Andrew Bathgate, Esquire, of the township of York (or in the event of his being dead or unable or unwilling to act, some suitable person to be named by the present council of the township of York a reasonable time before the date of such nominations) shall be returning officer at the said election, and the place for holding the nominations for the township of South York shall be at the town hall at Eglington, and the returning officer at such election shall be William A. Clark, Esquire, the present clerk of the township of York (or in the event of his being dead or unable or unwilling to act then some suitable person to be named by the present council of the township of York a reasonable time before the date of such nomination) and the township council of the present township of York shall divide the said township of North York and South York into polling subdivisions, and shall appoint deputy returning officers therefor for the first election to be holden therein as provided by the statutes in that behalf.

Division of townships into polling subdivisions.

5. The provisions of *The Consolidated Municipal Act 1892* and amendments thereto having reference to the case of a separation of a junior township from a senior township shall apply to the townships hereby formed as if said townships had been a union of townships excepting as otherwise herein specifically provided ; and for the purpose of applying such provisions the said township of North York shall be deemed to have been the senior township and the said township of South York shall be deemed to have been the junior township, and the corporation of the township of North York shall be deemed to be a continuation of the said corporation of the township of York.

Applications of provisions of 55 V. c. 42 as to separation of union of townships.

6. The clerk of the township of York shall furnish to the returning officer of the township of North York in sufficient time before the said election a copy of the assessment roll of the township of York for the year 1895 so far as the same contains the rateable property assessed, and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the township of North York.

Clerk of township of York to furnish copy of roll.

7. Nothing in this Act contained shall be construed to have the effect of relieving any owner of lands or any municipality from any liability existing at the time of the passing of this Act for maintaining and keeping in repair any ditch, drain, creek or watercourse, but such liability shall continue as if this Act had not been passed, and in all future assessments in respect of any ditch, drain, creek or watercourse being partly in both the townships of North York and South York rates shall be levied in both the said townships, and all assessments in respect thereof shall be made in the same manner as if this Act had not been passed.

Drainage expenses.

Agricultural societies.

8. The Agricultural Society heretofore known as The Township of York Agricultural Society shall continue as The North and South York Agricultural Society, and as such union society shall hold and possess all lands and buildings which heretofore were held by the township of York Agricultural Society for the purpose of agricultural fairs and exhibitions.

School sections.

9. Any school sections in the township of York which are separated in the dividing line between the municipalities hereby created shall from and after the last Tuesday in December, 1895, be and become union school sections, and all the provisions of law relating to union school sections shall apply to them as if they had originally been union school sections.

Expenses of Act.

10. All expenses of obtaining this Act, and of furnishing documents, copies of papers, writings, deeds, or any matter whatsoever required for the passing of the same, and all expenses necessary to put this Act into effect shall be borne and paid by the township of York to any parties entitled thereto.

No. 53.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act to provide for the Division of the Township of York.

First Reading, March, 1895.

(Private Bill.)

Mr. RICHARDSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 54.] **BILL.** [1895

An Act respecting the Monastery of Mount Carmel near Niagara Falls.

Preamble

WHEREAS Pius R. Mayer, O. C. C., and others by declaration under the *Act respecting Benevolent, Provident, and other Societies*, dated the of March, A. D., 1882, applied to George Baxter, Esquire, judge of the county court of the county of Welland for a certificate under the said Act incorporating such persons a body corporate under the name of the Monastery of Mount Carmel, near Niagara Falls; and whereas on the 9th day of March, A.D., 1882, a certificate under the said Act was granted by the said George Baxter, Esquire, for the said purpose, which said certificate and declaration were duly filed in the office of the Clerk of the Peace for said County of Welland on the 9th day of March, A.D., 1882; and whereas such declaration was and is defective in that it does not provide for the appointment of successors to the first trustees or managing officers, for the entry of new members or the time and place for holding the annual and general meetings, and the said corporation has prayed that an Act may be passed to make provisions for the said matters and that the said certificate of incorporation, and the transactions and conveyances done or made by or to the said corporation may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Certificate of incorporation and Rev. Stat c. 172 confirmed.

1. The certificate granted by George Baxter, Esquire, on the 9th day of March, A.D., 1882, under the *Act respecting Benevolent, Provident and other Societies* to Pius R. Mayer, Albert Heimann, Otto Wiedemann, Dominick F. O'Malley and Thomas P. Reddy constituting such persons a body politic and corporate under the name of the Monastery of Mount Carmel, near Niagara Falls, be, and the same is hereby confirmed, and it is declared that the said persons and such others as have succeeded them or been admitted into said body are and have been since said date a legal corporate body within the meaning of said Act under the name of the Monastery of Mount Carmel, near Niagara Falls.

Conveyance from Roman Catholic Episcopal corporation of the diocese of Toronto confirmed.

2. The conveyance dated the ninth day of February, A. D., 1894, of the lands therein mentioned from the Roman Catholic Episcopal corporation of the diocese of Toronto in Canada to the said the Monastery of Mount Carmel, near Niagara Falls, is hereby confirmed as a conveyance to the said corporate body notwithstanding any variation of name therein.

Appointment of successors to first trustees.

3. The successors to the first trustees or managing officers of said society shall be appointed and the entry of new members shall be regulated according to the provisions of said society or corporate body.

Annual general meeting.

4. The said society shall hold a general meeting on the day of in each year or as otherwise provided in and by the by-laws of the society, the same to be held at the hospice of the society in the township of Stamford in the county of Welland.

No. 54.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Monastery of Mount Carmel, near Niagara Falls.

First Reading 1895.

(Private Bill.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 54.] **BILL.** [1895.

An Act respecting the Monastery of Mount Carmel near Niagara Falls.

Preamble.

WHEREAS Pius R. Mayer, O. C. C., and others by declaration under the *Act respecting Benevolent, Provident, and other Societies*, dated the *eighth day* of March, 1882, applied to George Baxter, Esquire, judge of the county court of the county of Welland for a certificate under the said Act incorporating such persons a body corporate under the name of the Monastery of Mount Carmel, near Niagara Falls; and whereas on the 9th day of March, 1882, a certificate under the said Act was granted by the said George Baxter, Esquire, for the said purpose, which said certificate and declaration were duly filed in the office of the Clerk of the Peace for said County of Welland on the 9th day of March, 1882; and whereas such declaration was and is defective in that it does not provide for the appointment of successors to the first trustees or managing officers, for the entry of new members or the time and place for holding the annual and general meetings, and the said corporation has prayed that an Act may be passed to make provisions for the said matters and that the said certificate of incorporation, and the transactions and conveyances done or made by or to the said corporation may be confirmed; *and whereas no one has opposed the said petition;* and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Certificate of incorporation and Rev. Stat c. 172 confirmed.

1. The certificate granted by George Baxter, Esquire, on the 9th day of March, 1882, under the *Act respecting Benevolent, Provident and other Societies* to Pius R. Mayer, Albert Heimann, Otto Wiedemann, Dominick F. O'Malley and Thomas P. Reddy constituting such persons a body politic and corporate under the name of the Monastery of Mount Carmel, near Niagara Falls, is hereby confirmed, and it is declared that the said persons and such others as have succeeded them or been admitted into said body are and have been since said date a legal corporate body within the meaning of said Act under the name of the Monastery of Mount Carmel, near Niagara Falls

Appointment of successors to first trustees.

2. The successors to the first trustees or managing officers of said society shall be appointed and the entry of new members shall be regulated according to the *rules or by-laws* of said society or corporate body.

General meeting.

3. General meetings of such society shall be held at the Hospice of the society or such place in the township of Stamford, in the county of Welland, as the trustees or managing directors of the society shall from time to time determine.

No. 54.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Monastery of Mount Carmel, near Niagara Falls.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. GERMAN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 55.] **BILL.** [1895.

An Act respecting the Kingston, Portsmouth and Cataraqui Street Railway Company.

Preamble.

WHEREAS The Kingston, Portsmouth and Cataraqui Street Railway Company has by its petition represented that by its Act of incorporation, being chapter seventy-four of the Statutes of Ontario, 39 Victoria, The Kingston Street Railway Company, now the said Kingston, Portsmouth and Cataraqui Street Railway Company, was authorized and empowered to construct, maintain, complete and operate a single track iron railway with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the city of Kingston, and of any of the adjoining municipalities as the company might be authorized to pass along, under and subject to any agreement thereafter to be made between the councils of the said city and municipalities respectively and the said company, and under and subject to certain other provisions in the said Act contained, and that it has become desirable that the powers created by the said Act and any Acts of the Legislature of the said Province of Ontario amending the same should be extended to other municipalities than the city of Kingston and the adjoining municipalities, and that The Kingston, Portsmouth and Cataraqui Street Railway Company should have the right to contract and agree with any municipalities in the province for the construction and operation of their road within the limits thereof; and that the said company desires to have power to acquire and expropriate any land necessary for the construction and operation of their road; and that the said company is desirous of amalgamating with another street railway company or companies for supplying light, heat and power, and of leasing their plant and acquiring the right to use the same; and that the said company is desirous of obtaining authority to issue stock thereof at such a rate as may be sanctioned by the shareholders in manner hereinafter provided, and to increase the number of its directors to seven, and to change the name of the said company to The Kingston, Portsmouth and Cataraqui Railway Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to enter into agreements with municipalities other than city of Kingston.

1. The said Kingston, Portsmouth and Cataraqui Street Railway Company is hereby authorized and empowered to exercise all powers and to enter into all agreements with any municipal council in the Province of Ontario which they can now exercise or enter into with the councils of the corporation of the city of Kingston or of the adjoining municipalities respectively.

Acquiring lands by expropriation and otherwise.

2. The said Kingston, Portsmouth and Cataraqui Street Railway Company is hereby authorized and empowered to exercise the power conferred upon railway companies by chapter 170 of the Revised Statutes of Ontario, with respect to the acquisition of real estate and the expropriation thereof for the purposes of the said company, in the same manner and to the same extent as if the said Kingston, Portsmouth and Cataraqui Street Railway Company were a railway company coming within the provisions of the said Act and authorized by the provisions thereof to exercise the said powers ; and the provisions of the said Act with reference to such acquisition and expropriation shall apply to the said Kingston, Portsmouth and Cataraqui Street Railway Company as if the same were a railway company coming within the provisions of the said Act and authorized by the provisions thereof to exercise the said powers.

Agreements with other companies for leasing or hiring rolling stock.

3. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other street railway company, or with any person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person for such time or times and on such terms as may be agreed upon, or for the running of the carriages or cars of the said Kingston, Portsmouth and Cataraqui Street Railway Company over the track of such other railway company ; and also to enter into agreements with any street railway company for the use, by one or more of such contracting companies of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Agreements with light, heat or power companies.

4. It shall be lawful for the directors of the said Kingston, Portsmouth and Cataraqui Street Railway Company to make any arrangement with any light, heat or power company to amalgamate with such company, or to lease the plant and premises thereof and to carry on the business of such company including the supplying of light, heat and power by electricity or in any other manner.

5. It shall be lawful for the directors of the said Kingston, Portsmouth and Cataraqui Street Railway Company in increasing the capital stock of the said company, to issue the new shares of stock at such a rate as may be sanctioned by two-thirds of the stockholders of the said company in person or by proxy at a general meeting of the stockholders of the said company, called to authorize the issuing of such additional stock, and on payment of the price fixed or agreed upon such stock shall be regarded as fully paid up stock. Issue of shares on increasing capital stock.

6. The board of directors of the said company shall consist of seven directors, instead of six as provided by the Act of incorporation of the said company. Number of directors.

7. The name of the said company shall hereafter be The Kingston, Portsmouth and Cataraqui Railway Company. Name of company.

No. 55.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Kingston, Portsmouth and Cataraqui Street Railway Company.

First Reading, 1895.

(Private Bill.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 55.] **BILL.** [1895.

An Act respecting the Kingston, Portsmouth and Cataraqui Street Railway Company.

Preamble.

WHEREAS The Kingston, Portsmouth and Cataraqui Street Railway Company has by its petition represented that by its Act of incorporation, being chapter 74 of the Statutes of Ontario, 39 Victoria, The Kingston Street Railway Company, now the said Kingston, Portsmouth and Cataraqui Street Railway Company, was authorized and empowered to construct, maintain, complete and operate a single track iron railway with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the city of Kingston, and of any of the adjoining municipalities as the company might be authorized to pass along, under and subject to any agreement thereafter to be made between the councils of the said city and municipalities respectively and the said company, and under and subject to certain other provisions in the said Act contained, and that it has become desirable that the powers created by the said Act and any Acts of the Legislature of the said Province of Ontario amending the same should be extended to other municipalities than the city of Kingston and the adjoining municipalities, and that The Kingston, Portsmouth and Cataraqui Street Railway Company should have the right to contract and agree with any municipalities in the *county of Frontenac* for the construction and operation of their road within the limits thereof; and that the said company desires to have power to acquire and expropriate any land necessary for the construction and operation of their road; and that the said company is desirous of amalgamating with *any other* street railway company or companies for supplying light, heat and power, and of leasing their plant and acquiring the right to use the same; and that the said company is desirous of obtaining authority to issue stock thereof at such a rate as may be sanctioned by the shareholders in manner hereinafter provided, and to increase the number of its directors to seven, and to change the name of the said company to The Kingston, Portsmouth and Cataraqui Railway Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to enter into agreements with municipalities other than city of Kingston.

1. The said Kingston, Portsmouth and Cataraqui Street Railway Company is hereby authorized and empowered to exercise all powers and to enter into all agreements with any municipal council in the *county of Frontenac* which they can now exercise or enter into with the councils of the corporation of the city of Kingston or of the adjoining municipalities respectively.

Acquiring lands by expropriation and otherwise.

2.—(1) The said Kingston, Portsmouth and Cataraqui Street Railway Company is hereby authorized and empowered to exercise the power conferred upon *electric* railway companies by *The Electric Railway Act, 1895*, with respect to the acquisition of real estate and the expropriation thereof for the purposes of the said company, in the same manner and to the same extent as if the said Kingston, Portsmouth and Cataraqui Street Railway Company were a railway company coming within the provisions of the said Act and authorized by the provisions thereof to exercise the said powers ; and the provisions of the said Act with reference to such acquisition and expropriation shall apply to the said Kingston, Portsmouth and Cataraqui Street Railway Company as if the same were a railway company coming within the provisions of the said Act and authorized by the provisions thereof to exercise the said powers.

(2) Provided that nothing in this Act, or in *The Electric Railway Act, 1895*, shall confer upon the said Street Railway Company the power or right to expropriate any land or interest in land belonging to the said corporation of the city of Kingston, or held by the said corporation for public uses in the said city, or confer upon the said Street Railway Company any greater privilege or right as to the streets and highways of the said city than is given the company by section 7 of their original Act of Incorporation, 39 Victoria, chapter 74, or confer upon the said company the right to construct any railway or street railway, or any part of a railway or street railway for their use or operation in the said City of Kingston without first obtaining the leave of the City Council of the said city by-law on such terms as shall be agreed to by the said city council.

Agreements with other companies for leasing or hiring rolling stock.

3. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, it shall be lawful for the directors of the company to enter into any agreement or agreements with any other street railway company, or with any person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person for such time or times and on

such terms as may be agreed upon, or for the running of the carriages or cars of the said Kingston, Portsmouth and Cataraqui Street Railway Company over the track of such other railway company; and also to enter into agreements with any street railway company for the use, by one or more of such contracting companies of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Agreements with light, heat or power companies.

☞4. It shall be lawful for the directors of the said Kingston, Portsmouth and Cataraqui Street Railway Company to make any arrangement with any light, heat or power company to amalgamate with such company, or to lease the plant and premises thereof and to carry on the business of such company including the supplying of light, heat and power by electricity or in any other manner.☞ Provided that all rights possessed by the said corporation of the city of Kingston under any agreement between the corporation of the city of Kingston and the late Kingston Electric Light Company, or the King-Light, Heat and Power Company as its successor, or under any provision of the Act 54 Victoria, chap. 107, Ontario, are hereby preserved to the said corporation of the City of Kingston, notwithstanding the passing of this Act.☜

Issue of shares on increasing capital stock.

5. It shall be lawful for the directors of the said Kingston, Portsmouth and Cataraqui Street Railway Company in increasing the capital stock of the said company, to issue the new shares of stock at such a rate as may be sanctioned by two-thirds of the stockholders of the said company in person or by proxy at a general meeting of the stockholders of the said company, called to authorize the issuing of such additional stock, and on payment of the price fixed or agreed upon such stock shall be regarded as fully paid up stock.

Number of directors.

6. The board of directors of the said company shall consist of seven directors, instead of six as provided by the Act of incorporation of the said company.

Agreements with city of Kingston not affected.

☞7. Nothing in this Act except as herein specially provided or in the said Electric Railway Act, 1895, contained shall be held or construed to change, alter or affect any provision, stipulation, condition or limitation contained in the several ageements between the said Street Railway Company and the said corporations of the city of Kingston, all which agreements shall be and remain as if this Act had not been passed.☜

Taking over property of company in Kingston.

☞8. Notwithstanding anything contained in any agreement heretofore made between the corporation of the city of Kingston and the said Kingston, Portsmouth and Cataraqui Street Railway Company, the said corporation shall not be compelled at the end of the period of forty years or any subsequent period of twenty years mentioned in the 23rd and 24th clauses of the

agreement between the said parties dated the 9th day of May, 1893, and confirmed by the Act passed in the 56th year of Her Majesty's reign, chapter 91, to take over any property of the said company outside of the city of Kingston, but in the event of the said corporation taking over the said property within the city of Kingston at the end of any of the said periods, the said corporation or their assigns shall furnish to the said street railway company, and the said company shall accept the power necessary to run and operate all the lines of the said street railway company connecting with the said city and existing at the time of such taking over to the extent only to which such power is furnished from the city at the time of such taking over on such terms as shall be fixed by arbitration between the parties conducted in the manner provided in *The Consolidated Municipal Act, 1892*, in case the parties differ about the same, and shall also run and operate the lines of the said railway within the limits of the said city so as to connect with the said lines outside the said city to the best interests of each, and in such manner and subject to such conditions and regulations as to traffic arrangements as may be fixed by arbitration in manner aforesaid in case the parties differ about the same. Each of the parties shall in any arbitration under the provisions of this section bear its own costs and one-half of the costs of the arbitrator and award.

Name of company.

9. The name of the said company shall hereafter be The Kingston, Portsmouth and Cataraqui *Electric* Railway Company; but the change in the name of the said street railway company shall in no wise affect or prejudice any agreement existing between the said Street Railway Company and the corporation of the city of Kingston, and every such agreement will be read as though the said Kingston, Portsmouth and Cataraqui Street Railway Company were therein styled "The Kingston, Portsmouth and Cataraqui Electric Railway Company," nor shall such change of name affect or prejudice any agreement or obligation between the said street railway company and any other parties, or any rights or liabilities of the said parties as between themselves with respect to assessment, taxation or other matters, all which may be enforced by or against the said company under the new name thereof.

Rights of Cataraqui Bridge Company

10. Nothing in this Act contained shall be held to interfere with the position and rights of The Cataraqui Bridge Company.

No. 55.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Kingston, Portsmouth and Cataraqui Street Railway Company.

First Reading, 27th March, 1895.

(*Reprinted as amended by Railway Committee*).

(Private Bill.)

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 56.] **BILL.** [1895.

An Act to incorporate The Hamilton, Valley City and Waterloo Railway Company.

Preamble.

WHEREAS Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, all of the city of Hamilton in the county of Wentworth, William Andrews, of the city of Guelph in the county of Wellington, Thomas Bain, of the town of Dundas in the county of Wentworth, and Edward J. Powell, of the city of London in the county of Middlesex, have by their petition prayed for an act of incorporation under the name of "The Hamilton, Valley City and Waterloo Railway Company" for the purpose of constructing and operating electric railways from the city of Hamilton to the town of Waterloo, passing through the townships of Barton and Ancaster, and through or near the town of Dundas, and through the townships of West Flamboro', Beverly, North Dumfries and Waterloo, and with power to construct and operate a branch line from some point on this main line to the city of Guelph, passing through the townships of West and East Flamboro', Beverly, Puslinch and Guelph; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, William Andrews, Thomas Bain and Edward J. Powell and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Hamilton, Valley City and Waterloo Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron and steel railways to be operated by electricity,

with double or single iron or steel tracks, from the city of Hamilton to the town of Waterloo, passing through the townships of Barton and Ancaster, through or near the town of Dundas, and through the townships of West Flamboro', Beverly, North Dumfries and Waterloo; also from some point on the line of said railway to the city of Guelph, passing through the townships of West Flamboro', East Flamboro', Beverly, Puslinch and Guelph; and the said railways or either of them may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions of *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

55 V. c. 42.

Gauge.

3. The said railway may be of any gauge.

Provisional directors.

4. The said Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, William Andrews, Thomas Bain and Edward J. Powell, with power to add to their numbers, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Acquiring rights for conducting electric power to railway.

5. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of Hamilton, in the county of Wentworth, or at such other place as may best suit the interest of the said company.

Powers of provisional directors.

Rev. Stat. c. 170.

7. The capital stock of the company hereby incorporated shall be $650,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 6,500 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railways, and to the other purposes of this Act.

Capital stock.

Rev. Stat., c. 70.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock when binding.

9. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of

First election of directors.

the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in *The Ontario Gazette* and in at least one newspaper published in the said city of Hamilton, of the time, place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting and a majority of the directors shall form a quorum of the board and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Head office, general annual meeting.

11. The head office of the said company shall be at the said city of Hamilton, and the general annual meetings of the shareholders of the said company shall be held in such place in the said city of Hamilton, or in such other place and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said city of Hamilton, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

13. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The Railway*

Rev. Stat. c. 170.

Act of Ontario and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections, or portions of the said railways, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys."

Power to acquire lands.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall, by by-law, have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Rights of aliens.

16. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Powers as to production and use of electricity.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for Supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 165.

Use of highways by company.

18. Wherever any of the said railways, or their cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated and worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of a majority vote of the members of the council of such municipality and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and subject also, in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of one-half in number of the owners of property fronting on such street or highway where it is proposed to carry, operate or work such railway, and in all such cases any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Issues of debentures.

19. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other

trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Proviso.

20. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Hamilton Valley City and Waterloo Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of proceeds of debentures.

21. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

22. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies for leasing or hiring rolling stock.

23. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose Agreements with electric light companies.

of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed.

Telegraph and telephone lines.

24. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Proviso.

Issue of bonds.

25. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 170.

Calls on stock.

26 The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Payments in stock or bonds.

27. The said directors or provisional directors may pay, or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promotors or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Negotiable instruments.

29. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. Conveyances of land to company.

30. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railways. Mortgaging or pledging bonds.

31. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient. Power to purchase whole lots.

Acquiring material for construction.

32. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railways or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 170.

Sidings to gravel pits.

33.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

Rev. Stat., c. 170.

Rev. Stat., c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Aid to railway.

34. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Gifts of lands.

35. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities.

36. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Submitting bonus by-laws.

37. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto. 55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

38. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

39. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

40. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law submitted.

41. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

42. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

43. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rates on portion of municipality.

44. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

45. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

46. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

47. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

48. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the rateable property therein.

By-laws granting exemption from taxation.

49. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company pass, or in which they are situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

50. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Warehouses, docks, etc.

51. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways.

Payment of back charges on goods.

52. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

53. The directors of the said company may enter into a contract or contracts with any individual or association or individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

Incorporation of provisions of Rev. Stat. c. 170.

54. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

55. The railways shall be commenced within two years and completed to the extent of a through connection with the town of Berlin or Waterloo in four years, and finally completed within five years after the passing of this Act.

Traffic arrangements with other companies.

56. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct or operate an electric railway in any of the municipalities into or through which the said company's railway may run, if lawfully empowered to enter into any such agreement upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale, or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any of said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, and provided that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent thereto of the municipality or municipalities in or through which the railway of the company with which said connections or running arrangements are to be made, runs, has been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

SCHEDULE A

(*Section 29.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us), by "The Hamilton, Valley City and Waterloo Railway Company," the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*), of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said "The Hamilton, Valley City and Waterloo Railway Company," their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

[L.S.]

SCHEDULE B.

(*Section 20.*)

Chief Engineer's Certificate.

No. . A. D. 18 .

(*Engineer's Department.*)

Certificate to be attached to cheques drawn on "The Hamilton, Valley City, and Waterloo Railway Company Municipal Trust Account" given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of "The Hamilton, Valley City and Waterloo Railway Company," do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 56.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Hamilton, Valley City and Waterloo Railway Company.

First Reading, , 1895.

(Private Bill.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 56.] **BILL.** [1895.

An Act to incorporate The Hamilton, Valley City and Waterloo Railway Company.

Preamble.

WHEREAS Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, all of the city of Hamilton in the county of Wentworth, William Andrews, of the city of Guelph in the county of Wellington, Thomas Bain, of the town of Dundas in the county of Wentworth, and Edward J. Powell, of the city of London in the county of Middlesex, have by their petition prayed for an act of incorporation under the name of "The Hamilton, Valley City and Waterloo Railway Company" for the purpose of constructing and operating electric railways from the city of Hamilton to the town of Waterloo, passing through the townships of Barton and Ancaster, and through the town of Dundas, and from a point in the town of Dundas through the townships of West Flamboro', Beverly, North Dumfries and Waterloo, and with power to construct and operate a branch line from some point on this main line to the city of Guelph, passing through the townships of West and East Flamboro', Beverly, Puslinch and Guelph; and whereas it is expedient to grant the prayer of the *said* petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, William Andrews, Thomas Bain and Edward J. Powell and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Hamilton, Valley City and Waterloo Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, *make* complete, *alter and keep in repair*, iron and steel railways to be operated by electricity,

with double or single iron or steel tracks, from the city of Hamilton to the town of Waterloo, passing through the townships of Barton and Ancaster, through the town of Dundas, and from a point in the town of Dundas through the townships of West Flamboro', Beverly, North Dumfries and Waterloo; also from some point on the line of said railway to the city of Guelph, passing through the townships of West Flamboro', East Flamboro', Beverly, Puslinch and Guelph; and the said railways or either of them, or any part thereof, may be carried along and upon such *public* highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the *said* corporations and road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Provisional directors.

3. The said Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, William Andrews, Thomas Bain and Edward J. Powell, with power to add to their numbers, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of provisional board of directors.

4. All meetings of the provisional board of directors of the said company shall be held at the city of Hamilton, in the county of Wentworth, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $400,000, to be divided into 4,000 shares of $100 each.

Board of directors how composed.

6. The board of directors of the said company shall consist of not less than seven nor more than eleven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

7. The head office of the said company shall be at the said city of Hamilton.

8. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $12,000 for each mile of the said railways, and the provisions of sections 20, 21, 22, 23, 24 *and 25* of *The Electric Railway Act, 1895*, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sections. Issue of bonds.

9. The said company shall have power to amalgamate with or to agree for connections and making running arrangements with the Hamilton and Dundas Street Railway Company, the Galt, Preston and Hespeler Street Railway Company, and the Berlin and Waterloo street railway company if lawfully empowered to enter into any such agreement upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the *purchase*, or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the *purchase* or leasing or hiring any electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any of said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, or the railways with which such amalgamation, connections or running arrangements may be made, or for the purchase, lease, hiring or use thereof in whole or in part, any such agreement may be made, and provided that no such agreement for *amalgamation*, connections, running arrangements, *purchase*, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent thereto by a by-law or by-laws of the municipality or municipalities in or through which the railway of the company with which said *amalgamation*, connections or running arrangements are to be made, runs, has been obtained, and shall be subject to such terms and conditions as may be contained in such by-law or by-laws; but this section shall not be construed as purport- Amalgamation with other companies.

ing or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Incorporation of provisions of Rev. Stat. c. 170.

10. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

11. The railways shall be commenced within two years and completed to the extent of a through connection with the town of Berlin or Waterloo in four years, and finally completed within five years after the passing of this Act.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Hamilton, Valley City and Waterloo Railway Company.

First Reading, 19th March, 1895.
Second Reading, 5th April, 1895.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 57.] **BILL.** [1895.

An Act respecting the Township of York.

WHEREAS, the corporation of the township of York, in the county of York, by petition has represented that a certain by-law of the municipal corporation of the township of York, intituled "No. 1,370A: A by-law to provide for the issue of debentures to the amount of $20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," and a certain by-law of the said municipal corporation of the township of York, intituled "No. 1,404: A by-law to provide for the issue of debentures to the amount of $20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," respectively, have been quashed by the order of the Honorable Mr. Justice Rose, and that a large sum of money has been levied and collected on account of the rates imposed by said respective by-laws; that the said municipal corporation may be empowered to appropriate and distribute the moneys so levied and collected among the parties entitled thereto; that by the terms of the agreement between said municipal corporation and The Toronto and Richmond Hill Street Railway Company (Limited), the time for the construction of said railway having long since expired, power should be given to the said municipal corporation to repeal a certain by-law of said corporation, intituled "No. 1,381: A by-law to provide for the issue of debentures to the amount of $20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," that the said municipal corporation may be empowered to remit the taxes imposed by said by-law, but which have not at the date of the coming into force of this Act been levied and collected; that the said corporation may be empowered to appropriate and distribute the moneys levied and collected under said by-law number 1,381 among the parties entitled thereto; that the said corporation may be empowered to appoint an assess- Preamble.

ment commissioner ; that the said corporation may appoint their treasurer to levy and collect all taxes, rates and assessments imposed by said council from year to year, with all the powers conferred upon a collector of taxes ; that a certain by-law of the municipal corporation of the county of York, intituled "No. 692 : A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," and a certain other by-law of the municipal corporation of the county of York, intituled "No. 693 : A by-law to authorize the payment of certain debenture money to the township of York," and a by-law of the corporation of the township of York, intituled "No. 1,563 : A by-law authorizing the treasurer to pay over certain moneys to the treasurer of the county of York," may be validated and confirmed, and that there is in the said township a considerable quantity of non-resident and other vacant lands upon which the said corporation have been unable for the past three years to collect the taxes levied thereon, and that by reason thereof the council of the said township has been obliged to borrow moneys from time to time on personal security to meet the deficiency of revenue for ordinary purposes, caused by the said non-payment of taxes, and that the moneys so borrowed aggregate to at least $40,000, and that the said corporation may pass a by-law or by-laws for the raising of said moneys, and that the said municipal corporation may refer questions in dispute which may now be settled by an arbitration to a single arbitrator ; and whereas, it is expedient to grant the prayer of said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws for distribution of moneys levied under by-laws 1,370A and 1,404.

1. The municipal council of the township of York may pass the necessary by-law to appropriate and distribute the moneys levied and collected on account of the special rates imposed by by-laws numbers 1,370A and 1,404 of the said corporation among the parties who paid same or to the legal representatives of such of the parties who paid same as may at the date of such distribution be dead.

By-laws for repealing by-law 1,381 remitting rates and distributing moneys raised thereunder.

2. The said council may, without submitting same to the ratepayers qualified to vote on money by-laws, pass such by-law or by-laws as may be necessary.

(1) To repeal by-law number 1,381 of the said corporation of the township of York.

(2) To remit so much of the special rate imposed under and in pursuance of the provisions of the said by-law number 1,381 as have not at the date of the coming into force of this Act been levied and collected ; and

(3) To appropriate and distribute the moneys which have been levied and collected on account of the said special rate

among the parties who paid same, or the legal representatives of such of the parties who paid same as may at the date of such distribution be dead.

Appointment of assessment commissioner, board of assessors. 55 V. c. 42.

3. The municipal council of the corporation of the township of York, in addition to the powers conferred upon it to appoint assessors under the provisions of section 254 of *The Consolidated Municipal Act 1892*, may appoint an assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council, and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform the duties of assessors appointed under the provisions of said section 254; and the said council shall also have power by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner, assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council.

Powers of treasurer as to levying and collecting taxes.

4. Notwithstanding the provisions of *The Consolidated Municipal Act 1892*, the municipal council of the corporation of the township of York may by by-law appoint and authorize their treasurer to levy and collect all taxes, rates and assessments which may be imposed from year to year by said municipal council with all the powers conferred by said Act upon a collector of taxes.

By-laws 692, 693 and 1,563 confirmed.

5. The by-law of the corporation of the county of York number 692, intituled "A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," by-law of the said corporation of the county of York number 693, intituled "A by-law to authorize the payment of certain debenture money to the township of York," and a by-law of the corporation of the township of York number 1,563", intituled "A by-law to authorize the treasurer to pay over certain moneys to the treasurer of the county of York," (which respective by-laws are fully set forth in schedules A, B and C to this Act), and all debentures issued or to be issued under the provisions of said respective by-laws, are hereby confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof.

Appointment of sole arbitrator where damages or compensation claimed not more than $1,000.

6. Notwithstanding any of the provisions of *The Consolidated Municipal Act 1892*, in all cases where claims are made for compensation for damages by the owners or occupiers of or other persons interested in lands entered upon, taken or used by the corporation of the township of York, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be paid, and the amount claimed

does not exceed $1,000, the same shall be settled and determined by the award of the judge of the county of York sitting as sole arbitrator, or, at the option of either party, by such other sole arbitrator as the said judge, on application made by either party to him upon notice to the other party, may appoint for that purpose.

Power to borrow $40,000 on debentures with assent of ratepayers. 55 V. c. 42.

7. The said council of the township of York may, after the assent of a majority of the ratepayers who are entitled to vote on money by-laws has been obtained in the manner provided by *The Consolidated Municipal Act 1892*, with respect to by-laws for creating debts, pass such by-law or by-laws as may, from time to time, be necessary or expedient to raise a loan or loans for such amount or amounts not exceeding in the aggregate the sum of $40,000 for the payment of floating debts of the said township, and may issue the requisite number of debentures therefor in sums of not less than $100 each, which debentures shall be payable in ten equal annual instalments of principal and interest in accordance with the provisions of section 342 of *The Consolidated Municipal Act 1892*, said interest not to exceed the rate of four per centum per annum, the first instalment of principal and interest to become due and payable at the end of one year from the respective dates of said debentures; and for the purpose of paying the said annual instalments the said council, in any by-law or by-laws to be passed authorizing said loan or loans or any part thereof and the issue of debentures therefor, may impose a special rate per annum upon all rateable property in said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient to pay the said annual instalments.

55 V. c. 42.

SCHEDULE A.

(*Section 5.*)

No. 692. A By-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund.

Whereas under the provisions of section 215 of *The Consolidated Assessment Act 1892*, a municipal county council may, from time to time, by by-law, authorize the warden to issue under the corporate seal upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof, and for sums not less than $100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands or otherwise invested to the credit of the said fund;

And whereas the municipal council of the corporation of the township of York have made an application to the municipal council of the county of York to issue upon the credit of the non-resident land fund of the county of York debentures payable not later than eight years after the date thereof to the amount of $25,000, such debentures to bear interest at the rate of four per centum per annum;

And whereas it is expedient to grant such application;

And whereas it is expedient that the principal and interest of such debentures should be made payable by annual instalments as provided by section 342 of *The Consolidated Municipal Act 1892*;

And whereas the amount of the debt which this by-law is intended to create is the sum of $25,000 and interest thereon as hereinafter mentioned;

And whereas it will require the sum set forth in the schedule to this by-law annexed to be raised annually for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the county of York according to the last revised assessment roll is $30,024,174;

And whereas the whole of the non-resident land fund is upwards of $40,000;

And whereas the existing debenture debt of the county of York is $11,163.28, of which no part is in arrear for principal or interest;

Be it therefore enacted by the municipal council of the corporation of the county of York, as follows:

1. That it shall be lawful for the warden of the said municipal corporation of the county of York, and he is hereby authorized and required to cause any number of debentures of the said corporation to be made for such sums of money as may be required to carry out the provisions of this by-law in currency, not less than $100 each, payable at the office of the county treasurer for the county of York at the city of Toronto, and such debentures shall be sealed with the seal of the said corporation and be signed by the said warden and the treasurer of the said municipal corporation of the county of York.

2. That the principal money of said debentures shall in the aggregate be the sum of $25,000 and no more, and the interest thereon shall be at the rate of four per centum per annum and no more, payable half-yearly, and the said principal money shall be made repayable by annual instalments on the fifteenth day of February in each year during the period of eight years from the date at which this by-law takes effect as set forth in said schedule hereto annexed, such instalments to be of such amounts as that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of said period. Coupons for payment of interest may be attached to such debentures.

3. That the debentures to be issued hereunder may contain a provision in the following words:

"This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the debenture registry book of the said corporation of the county of York."

4. This by-law shall take effect on, from and after the second day of February, A.D. 1895.

Passed this second day of February, A.D. 1895.

GEO. EAKIN,
Clerk.

[Seal]

JAMES C. STOKES,
Warden.

Schedule referred to in the annexed by-law showing the amounts to be raised annually as provided by the said by-law.

		Amount to be raised for payment of interest.	Amount to be raised for payment of principal.	Total amount to be raised to pay instalments of principal and interest.
1	Aug. 15, 1895..	$500 00	.....	.....
	Feb. 15, 1896..	500 00	$2,713 20	$3,713 20
2	Aug. 15, 1896..	445 74	.....	.....
	Feb. 15, 1897..	445 74	2,821 72	3,713 20
3	Aug. 15, 1897..	389 31	.....	.....
	Feb. 15, 1898..	389 30	2,934 59	3,713 20
4	Aug. 15, 1898..	330 62	.....	.....
	Feb. 15, 1899..	330 61	3,051 97	3,713 20
5	Aug. 15, 1899..	269 57	.....	.....
	Feb. 15, 1900..	269 57	3,174 06	3,713 20
6	Aug. 15, 1900..	206 09	.....	.....
	Feb. 15, 1901..	206 09	3,301 02	3,713 20
7	Aug. 15, 1901..	140 07	.....	.....
	Feb. 15, 1902..	140 07	3,433 06	3,713 20
8	Aug. 15, 1902 .	71 41	.....	.....
	Feb. 15, 1903..	71 41	3,570 38	3,713 20

SCHEDULE B.

(*Section 5.*)

By-law No. 693. A By-law to authorize the payment of certain debenture money to the township of York.

The municipal council of the corporation of the county of York enacts as follows:

1. The treasurer of the county of York is hereby authorized and directed to pay to the treasurer of the township of York the proceeds of the sale of the debentures authorized to be issued by by-law number 692 upon the performance of the conditions set forth in the second clause of this by-law.

2. The treasurer of the said county shall not pay over the said money unless and until a certified copy of a by-law of the corporation of the township of York approved of by the county solicitor is deposited with the said treasurer of the said county, which by-law is to contain a provision that the treasurer of the said township shall pay over to the treasurer of the said county, until the debentures hereinbefore mentioned are fully paid, all moneys received by the treasurer of the said township on account of taxes due on non-resident lands in the said township of York, and that the said township will pay all expenses connected with and caused in consequence of the passing of said by-laws No. 691 and of by-law No. 692.

Passed this 2nd day of February, A. D., 1895.

GEO. EAKIN,
Clerk.

[L. S.]

JAMES C. STOKES,
Warden.

SCHEDULE C.

(*Section 5.*)

No. 1,563. A By-law authorizing the treasurer to pay over certain moneys to the treasurer of the county of York.

Whereas the treasurer of the county of York has been directed to pay to the treasurer of the township of York the proceeds of the sale of debentures issued under the provisions of by-law No, 692 of the county of York, entitled "A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," upon condition that the municipal council of the corporation of the township of York should pass this by-law.

Be it therefore enacted by the municipal council of the corporation of the township of York :

1. That the treasurer of the municipal corporation of the township of York shall, the treasurer for the county of York having paid over to this corporation the proceeds of the sale of debentures issued under the provisions of by-law No. 692 of the county of York, entitled "A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," pay over to the treasurer of the municipal corporation of the county of York, until such time as the debentures hereinbefore mentioned issued or to be issued under the provisions

of said by-law No. 692 of the county of York are fully paid, or until a sufficient sum to pay both principal and interest secured by said debentures has been received by the county treasurer of the county of York from taxes due on non-resident lands in the township of York, all moneys received by the said treasurer of the municipal corporation of the township of York on account of taxes from time to time paid to him under the provisions of sections 143 and 144 of *The Consolidated Assessment Act 1892*, and any Acts amending same.

The said municipal corporation of the township of York hereby undertake and agree with the municipal corporation of the county of York to pay all reasonable costs and expenses of and incidental to and caused in consequence of the passing of said by-law No. 692, and also to pay all costs and expenses of and incidental to and caused in consequence of the passing of said by-law No. 691 and the issuing of the said debentures thereunder.

Passed this 11th day of February, A. D., 1895.

W. A. CLARKE,
Clerk.

[L. S.]

WILLIAM J. HILL,
Reeve.

No. 57.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Township of York.

First Reading 1895.

(Private Bill.)

Mr. RICHARDSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 57.] **BILL.** [1895.

An Act respecting the Township of York.

Preamble. WHEREAS, the corporation of the township of York, in the county of York, by petition has represented that a certain by-law of the municipal corporation of the township of York, intituled "No. 1,370A: A by-law to provide for the issue of debentures to the amount of $20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," and a certain by-law of the said municipal corporation of the township of York, intituled "No. 1,404: A by-law to provide for the issue of debentures to the amount of $20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," respectively, have been quashed by the order of the Honorable Mr. Justice Rose, and that a large sum of money has been levied and collected on account of the rates imposed by said respective by-laws; that the said municipal corporation may be empowered to appropriate and distribute the moneys so levied and collected among the parties entitled thereto; that by the terms of the agreement between said municipal corporation and The Toronto and Richmond Hill Street Railway Company (Limited), the time for the construction of said railway having long since expired, power should be given to the said municipal corporation to repeal a certain by-law of said corporation, intituled "No. 1,381: A by-law to provide for the issue of debentures to the amount of $20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," that the said municipal corporation may be empowered to remit the taxes imposed by said by-law, but which have not at the date of the coming into force of this Act been levied and collected; that the said corporation may be empowered to appropriate and distribute the moneys levied and collected under said by-law number 1,381 among the parties entitled thereto; and whereas there has been collected under the said by-laws No.

1,370 A and No. 1,404 the sum of $871 20, and under by-law No. 1,387 the sum of $1,877.25; and whereas by the said petition it has also been asked that the said corporation may be empowered to appoint an assessment commissioner; that the said corporation may appoint their treasurer to levy and collect all taxes, rates and assessments imposed by said council from year to year, with all the powers conferred upon a collector of taxes; and whereas it has been made to appear that owing to the suburban character of a large part of the said township such special provisions would be of great advantage to the said township; and whereas by the said petition it is further alleged that a certain by-law of the municipal corporation of the county of York, intituled "No. 692: A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," and a certain other by-law of the municipal corporation of the county of York, intituled "No. 693: A by-law to authorize the payment of certain debenture money to the township of York," and a by-law of the corporation of the township of York, intituled "No. 1,563: A by-law authorizing the treasurer to pay over certain moneys to the treasurer of the county of York," may be validated and confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws for distribution of moneys levied under by-laws 1,370A and 1,404.

1. The municipal council of the township of York may pass the necessary by-law to appropriate and distribute the moneys levied and collected on account of the special rates imposed by by-laws numbers 1,370A and 1,404 of the said corporation among the parties who paid same or to the legal representatives of such of the parties who paid same as may at the date of such distribution be dead.

By-laws for repealing by-law 1,381 remitting rates and distributing moneys raised thereunder.

2. The said council may, without submitting same to the ratepayers qualified to vote on money by-laws, pass such by-law or by-laws as may be necessary.

(1) To repeal by-law number 1,381 of the said corporation of the township of York.

(2) To remit so much of the special rate imposed under and in pursuance of the provisions of the said by-law number 1,381 as have not at the date of the coming into force of this Act been levied and collected; and

(3) To appropriate and distribute the moneys which have been levied and collected on account of the said special rate among the parties who paid same, or the legal representatives of such of the parties who paid same as may at the date of such distribution be dead.

Appointment of assessment commissioner, board of assessors. 55 V. c. 42.

3. The municipal council of the corporation of the township of York, in addition to the powers conferred upon it to appoint assessors under the provisions of section 254 of *The Consolidated Municipal Act 1892*, may appoint an assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council, and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform the duties of assessors appointed under the provisions of said section 254; and the said council shall also have power by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner, assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council.

Powers of treasurer as to levying and collecting taxes.

4. The municipal council of the corporation of the township of York may by by-law appoint and authorize their treasurer to levy and collect all taxes, rates and assessments which may be imposed from year to year by said municipal council with all the powers conferred by said Act upon a collector of taxes, *anything to the contrary in any general Act notwithstanding*,

By-laws 692, 693 and 1,563 confirmed.

5. The by-law of the corporation of the county of York number 692, intituled "A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," by-law of the said corporation of the county of York number 693, intituled "A by-law to authorize the payment of certain debenture money to the township of York," and a by-law of the corporation of the township of York number 1,563", intituled "A by-law to authorize the treasurer to pay over certain moneys to the treasurer of the county of York," (which respective by-laws are fully set forth in schedules A, B and C to this Act), and all debentures issued or to be issued under the provisions of said respective by-laws, are hereby confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof.

SCHEDULE A.

(*Section 5.*)

No. 692. A By-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund.

Whereas under the provisions of section 215 of *The Consolidated Assessment Act 1892*, a municipal county council may, from time to time, by by-law, authorize the warden to issue under the corporate seal upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof, and for sums not less than $100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands or otherwise invested to the credit of the said fund;

And whereas the municipal council of the corporation of the township of York have made an application to the municipal council of the county of York to issue upon the credit of the non-resident land fund of the county of York debentures payable not later than eight years after the date thereof to the amount of $25,000, such debentures to bear interest at the rate of four per centum per annum;

And whereas it is expedient to grant such application;

And whereas it is expedient that the principal and interest of such debentures should be made payable by annual instalments as provided by section 342 of *The Consolidated Municipal Act 1892*;

And whereas the amount of the debt which this by-law is intended to create is the sum of $25,000 and interest thereon as hereinafter mentioned;

And whereas it will require the sum set forth in the schedule to this by-law annexed to be raised annually for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the county of York according to the last revised assessment roll is $30,024,174;

And whereas the whole of the non-resident land fund is upwards of $40,000;

And whereas the existing debenture debt of the county of York is $11,163.28, of which no part is in arrear for principal or interest;

Be it therefore enacted by the municipal council of the corporation of the county of York, as follows:

1. That it shall be lawful for the warden of the said municipal corporation of the county of York, and he is hereby authorized and required to cause any number of debentures of the said corporation to be made for such sums of money as may be required to carry out the provisions of this by-law in currency, not less than $100 each, payable at the office of the county treasurer for the county of York at the city of Toronto, and such debentures shall be sealed with the seal of the said corporation and be signed by the said warden and the treasurer of the said municipal corporation of the county of York.

2. That the principal money of said debentures shall in the aggregate be the sum of $25,000 and no more, and the interest thereon shall be at the rate of four per centum per annum and no more, payable half-yearly, and the said principal money shall be made repayable by annual instalments on the fifteenth day of February in each year during the period of eight years from the date at which this by-law takes effect as set forth in said schedule hereto annexed, such instalments to be of such amounts as that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of said period. Coupons for payment of interest may be attached to such debentures.

3. That the debentures to be issued hereunder may contain a provision in the following words:

"This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the debenture registry book of the said corporation of the county of York."

4. This by-law shall take effect on, from and after the second day of February, A.D. 1895.

Passed this second day of February, A.D. 1895.

GEO. EAKIN,
Clerk.

[Seal]

JAMES C. STOKES,
Warden.

Schedule referred to in the annexed by-law showing the amounts to be raised annually as provided by the said by-law.

		Amount to be raised for payment of interest.	Amount to be raised for payment of principal.	Total amount to be raised to pay instalments of principal and interest.
1	Aug. 15, 1895..	$500 00	.....	.....
	Feb. 15, 1896..	500 00	$2,713 20	$3,713 20
2	Aug. 15, 1896..	445 74	.....	.....
	Feb. 15, 1897..	445 74	2,821 72	3,713 20
3	Aug. 15, 1897..	389 31	.....	.....
	Feb. 15, 1898..	389 30	2,934 59	3,713 20
4	Aug. 15, 1898..	330 62	.....	.....
	Feb. 15, 1899..	330 61	3,051 97	3,713 20
5	Aug. 15, 1899..	269 57	.....	.....
	Feb. 15, 1900..	269 57	3,174 06	3,713 20
6	Aug. 15, 1900..	206 09	.....	.....
	Feb. 15, 1901..	206 09	3,301 02	3,713 20
7	Aug. 15, 1901..	140 07	.....	.....
	Feb. 15, 1902..	140 07	3,433 06	3,713 20
8	Aug. 15, 1902 .	71 41	.....	.....
	Feb. 15, 1903..	71 41	3,570 38	3,713 20

SCHEDULE B.

(*Section 5.*)

By-law No. 693. A By-law to authorize the payment of certain debenture money to the township of York.

The municipal council of the corporation of the county of York enacts as follows:

1. The treasurer of the county of York is hereby authorized and directed to pay to the treasurer of the township of York the proceeds of the sale of the debentures authorized to be issued by by-law number 692 upon the performance of the conditions set forth in the second clause of this by-law.

2. The treasurer of the said county shall not pay over the said money unless and until a certified copy of a by-law of the corporation of the township of York approved of by the county solicitor is deposited with the said treasurer of the said county, which by-law is to contain a provision that the treasurer of the said township shall pay over to the treasurer of the said county, until the debentures hereinbefore mentioned are fully paid, all moneys received by the treasurer of the said township on account of taxes due on non-resident lands in the said township of York, and that the said township will pay all expenses connected with and caused in consequence of the passing of said by-laws No. 691 and of by-law No. 692.

Passed this 2nd day of February, A. D., 1895.

GEO. EAKIN,
Clerk.

[L. S.]

JAMES C. STOKES,
Warden.

SCHEDULE C.

(Section 5.)

No. 1,563. A By-law authorizing the treasurer to pay over certain moneys to the treasurer of the county of York.

Whereas the treasurer of the county of York has been directed to pay to the treasurer of the township of York the proceeds of the sale of debentures issued under the provisions of by-law No, 692 of the county of York, entitled "A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," upon condition that the municipal council of the corporation of the township of York should pass this by-law.

Be it therefore enacted by the municipal council of the corporation of the township of York :

1. That the treasurer of the municipal corporation of the township of York shall, the treasurer for the county of York having paid over to this corporation the proceeds of the sale of debentures issued under the provisions of by-law No. 692 of the county of York, entitled "A by-law to raise by way of loan the sum of $25,000 upon the credit of the non-resident land fund," pay over to the treasurer of the municipal corporation of the county of York, until such time as the debentures hereinbefore mentioned issued or to be issued under the provisions

of said by-law No. 692 of the county of York are fully paid, or until a sufficient sum to pay both principal and interest secured by said debentures has been received by the county treasurer of the county of York from taxes due on non-resident lands in the township of York, all moneys received by the said treasurer of the municipal corporation of the township of York on account of taxes from time to time paid to him under the provisions of sections 143 and 144 of *The Consolidated Assessment Act 1892*, and any Acts amending same.

The said municipal corporation of the township of York hereby undertake and agree with the municipal corporation of the county of York to pay all reasonable costs and expenses of and incidental to and caused in consequence of the passing of said by-law No. 692, and also to pay all costs and expenses of and incidental to and caused in consequence of the passing of said by-law No. 691 and the issuing of the said debentures thereunder.

Passed this 11th day of February, A. D., 1895.

W. A. CLARKE,
Clerk.

[L. S.]

WILLIAM J. HILL,
Reeve.

No. 57.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Township of York.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 58.] **BILL.** [1895.

An Act respecting the City of St. Catharines.

Preamble.

WHEREAS the municipal corporation of the city of St. Catharines have, by their petition, represented that the debenture debt of the municipality, amounting to $790,000, has been consolidated by an Act passed in the 56th year of Her Majesty's reign, and chaptered 79, and that debentures payable in forty years were thereby authorized to be issued from time to time for redemption of said debenture debt under by-laws to be passed for that purpose, and therein to provide a sinking fund for the payment thereof at maturity; that prior to the passing of said Act no sinking fund had been levied, and debentures to the amount of $170,000 have since been issued under the provisions of said Act, to meet old debentures maturing in 1893, only $50,000 of which have as yet been negotiated; that the municipal council of the said corporation were under the belief that under the construction to be placed on section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, they were only bound to provide a sinking fund for the redemption of debentures to be from time to time issued under the said Act consolidating the debenture debt of said corporation, and accordingly, in 1894, levied the sum of $2,000 as the commencement of a sinking fund, such yearly sum being considered by them sufficient (if properly invested) to provide for the redemption of the debentures already issued under said consolidating Act, the intention being to increase the amount to be levied for said sinking fund from time to time and as often as further debentures were required to be issued under said Act to redeem the debenture debt existing at the time of the consolidation thereof, to an amount sufficient for the redemption of such new issues; that on account of depression in business and the high rate of taxation in said municipality, the immediate raising of a sinking fund for the redemption of the whole debenture debt of said city would be very injurious to its future prospects; and whereas doubts have arisen as to the proper construction of said section 373 of *The Consolidated*

Municipal Act, 1892, so amended as aforesaid, and in order to remove such doubts it is expedient that an Act be passed declaring that section 373 of *The Consolidated Municipal Act, 1892*, so amended as aforesaid is held only to apply to debentures already issued and to be issued under the said Act consolidating the debenture debt of said municipality from the date of issue thereof respectively, and that the said corporation be relieved from levying a sinking fund rate for the years 1893 and 1894, over and above the amount already levied in 1894 for that purpose, and that the members of the council of the said corporation of the city of St. Catharines are not and were not subject to the penalties mentioned in section 373 of said *Consolidated Municipal Act, 1892*, amended as aforesaid, and are eligible to hold the office of mayor and aldermen of said city for the years 1895 and 1896 respectively, notwithstanding any of the provisions of section 373 of said *Consolidated Municipal Act*, amended as aforesaid, and for the better investment of said sinking fund; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Levy of sinking fund for 1893, 1894.

1. The corporation of the city of St. Catharines are not required to levy any sum over and above the amount already levied to provide a sinking fund for the payment of the debenture debt of the said city for the years 1893 and 1894.

Application of 55 V. c. 42, s. 373; 56 V. c. 35, s. 9.

2. Section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, is hereby declared to apply only to the levying of a rate to provide a sinking fund for the payment of such debentures as have already been issued and may hereafter be issued from time to time by the corporation of the city of St. Catharines under the provisions of the Act passed in the 56th year of Her Majesty's reign, chaptered 79, consolidating the debenture debt of the said municipality, and from the date of their respective issues, provided that the rate to be so levied shall not exceed in any year (including interest and current expenditure) the sum of two cents in the dollar, exclusive of school rates.

Mayor and aldermen relieved from penalties imposed by 56 V. c. 35, s. 9.

3. It is further declared that the mayor and aldermen of the council of the corporation of the city of St. Catharines for the years 1893 and 1894, are not and were not, subject to the penalties mentioned in section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, and are hereby declared eligible to hold the offices of mayor and aldermen of said city respectively for the years 1895 and 1896, notwithstanding anything contained in said section 373 of *The Consolidated Municipal Act, 1892*, so amended as aforesaid.

55 V. c. 42.

4. Section 9 of the said Act consolidating the debenture debt of the said city of St. Catharines, is hereby amended by inserting the words "or in mortgages on real property to the extent of one-half of the appraised value thereof, or in local improvement debentures issued by the said corporation of the city of St. Catharines or of any other municipality" after the word "debentures" in the seventh line thereof. 56 V. c. 79, s. 9, amended.

No. 58.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the City of St. Catharines.

First Reading, , 1895.

(Private Bill.)

Mr. HISCOTT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 58.] BILL. [1895.

An Act respecting the City of St. Catharines.

Preamble. WHEREAS the municipal corporation of the city of St. Catharines have, by their petition, represented that the debenture debt of the municipality, amounting to $790,000, has been consolidated by an Act passed in the 56th year of Her Majesty's reign, and chaptered 79, and that debentures payable in forty years were thereby authorized to be issued from time to time for redemption of said debenture debt under by-laws to be passed for that purpose, and therein to provide a sinking fund for the payment thereof at maturity; that prior to the passing of said Act no sinking fund had been levied, and debentures to the amount of $170,000 have since been issued under the provisions of said Act, to meet old debentures maturing in 1893, which debentures, amounting to $170,000, have been already negotiated, and over $400,000 more of the said old debentures will mature in the year 1896 and be redeemed by the issue of new debentures under the said Consolidating Act; that the municipal council of the said corporation *acting* under the belief that they were only bound to provide a sinking fund for the redemption of debentures to be from time to time issued under the said Act consolidating the debenture debt of said corporation, *levied* in 1894, the sum of $2,000 as the commencement of a sinking fund, such yearly sum being considered by them sufficient (if properly invested) to provide for the redemption of the debentures already issued under said consolidating Act, the intention being to increase the amount to be levied for said sinking fund from time to time and as often as further debentures were required to be issued under said Act to redeem the debenture debt existing at the time of the consolidation thereof, to an amount sufficient for the redemption of such new issues; and the said corporation have not for several years past raised any sinking fund on their old debenture debt and on account of depression in business and the high rate of taxation in said municipality, the immediate raising of a sinking fund for the redemption of the whole

debenture debt of said city would be *oppressive and* very injurious to its future prospects; and whereas doubts have arisen as to the proper construction of said section 373 of *The Consolidated Municipal Act, 1892*, so amended as aforesaid, and whereas in and by the said petition the said corporation have asked that they should be relieved from levying a sinking fund rate for the years 1893 and 1894, over and above the amount already levied in 1894 for that purpose, and that *it should be declared that* the members of the council of the said corporation of the city of St. Catharines are not and were not subject to the penalties *or disqualification* mentioned in *sub-section 5 of* section 373 of said *Consolidated Municipal Act, 1892*, amended as aforesaid, and are eligible to hold the office of mayor and aldermen of said city for the years 1895 and 1896 respectively, notwithstanding any of the provisions of section 373 of said *Consolidated Municipal Act*, amended as aforesaid, and for the better investment of said sinking fund; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Levy of sinking fund for 1893, 1894.

1. The corporation of the city of St. Catharines are not required to levy any sum over and above the amount already levied to provide a sinking fund for the payment of the debenture debt of the said city for the years 1893 and 1894.

Application of 55 V. c. 42, s. 373; 56 V. c. 35, s. 9.

2. Section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, is hereby declared to apply only to the levying of a rate to provide a sinking fund for the payment of such debentures as have already been issued and may hereafter be issued from time to time by the corporation of the city of St. Catharines under the provisions of the Act passed in the 56th year of Her Majesty's reign, chaptered 79, consolidating the debenture debt of the said municipality, and from the date of their respective issues.

Mayor and aldermen relieved from penalties imposed by 56 V. c. 35, s. 9.

3. The mayor and aldermen of the council of the corporation of the city of St. Catharines for the years 1893 and 1894, *are hereby relieved from the* penalties *or disqualification* mentioned in section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, and are hereby declared eligible to hold the offices of mayor and aldermen of said city respectively for the years 1895 and 1896, notwithstanding anything contained in said section 373 of *The Consolidated Municipal Act, 1892*, so amended as aforesaid.

55 V. c. 42.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the City of St. Catharines.

First Reading, 19th March, 1895.

(Reprinted as amended by Private Bills Committee.)

(Private Bill.)

Mr. HISCOTT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 59.] **BILL.** [1895.

An Act to confirm a By-law of the United Townships of Burleigh and Anstruther.

Preamble.

WHEREAS, the corporation of the united townships of Burleigh and Anstruther have, by their petition, represented that the said corporation have incurred a floating debt of $2,000, arising from extraordinary expenditure in building bridges, constructing roads and making other public improvements of a permanent character, and to liquidate said floating debt forthwith, in addition to the ordinary annual expenditure and burdens, would be unduly oppressive to the ratepayers; and whereas, the said corporation have by their said petition further represented that on the twentieth day of September, 1894, the council of the said corporation submitted to the ratepayers a certain By-law number 8, which is set forth as schedule A to this Act, authorizing the borrowing of the said sum of $2,000, repayable in fifteen equal annual instalments, for the purpose of liquidating the said floating debt, which said by-law was duly carried and was subsequently passed by the said council; and whereas, the said corporation have by their said petition prayed that an Act may be passed to confirm and legalize the said by-law and to authorize the borrowing of the sum of $2,000, as therein provided; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 8 of Burleigh and Anstruther confirmed.

1. The said by-law number 8 of the municipal corporation of the united townships of Burleigh and Anstruther, set forth in full in schedule A to this Act, is hereby declared legal, valid and binding upon the said municipal corporation, in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form in the said by-law or in the manner of passing the same.

Power to raise $2,000 on debentures.

2. It shall be lawful for the said the municipal corporation of the united townships of Burleigh and Anstruther to raise by way of loan the sum of $2,000 on the credit of the debentures issued or to be issued under and pursuant to the provisions of the said by-law and repayable in the manner and at the times therein provided.

Application of proceeds of debentures.

3. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt of $2,000 and in no other manner and for no other purpose whatsoever.

SCHEDULE.

(*Section 1.*)

By-law No. 8.

A by-law to provide for the issuing of debentures for the purpose of paying off the indebtedness of the late united townships of Burleigh, Anstruther and Chandos, and of consolidating the indebtedness of the united townships of Burleigh and Anstruther.

Whereas, it is necessary to raise the sum of two thousand dollars for the purpose of paying off the indebtedness of the late united townships of Burleigh, Anstruther and Chandos and of consolidating the indebtedness of the united townships of Burleigh and Anstruther, and in order thereto it will be necessary to issue debentures of the municipality of the united townships of Burleigh and Anstruther, payable as herein provided;

And whereas, it will be requisite to raise annually during the term of fifteen years by special rate for paying the said debt and interest the sum of one hundred and ninety-two dollars and sixty-eight cents;

And whereas, the amount of the whole of the rateable property of the municipality of the united townships of Burleigh and Anstruther, according to the last revised and equalized assessment roll, amounts to fifty-two thousand nine hundred and ninety-one dollars;

And whereas, the existing debenture debt of the said municipality amounts to eleven hundred and thirty-five dollars, and no principal or interest is in arrear;

Therefore the municipal council of the united townships of Burleigh and Anstruther enacts as follows:—

1. It shall and may be lawful for the reeve of the said united townships of Burleigh and Anstruther for the purposes aforesaid to borrow the said sum of two thousand dollars and to issue debentures for the said united townships of Burleigh and Anstruther for the amount of two thousand dollars, of sums of not less than one hundred dollars each for the repay-

ment of the principal and interest of such indebtedness by annual instalments extending over the period of fifteen years from the date fixed for the coming into force of this by-law.

2. Each of such debentures shall be for the sum of $192.68, being the amount of the several annual instalments, including principal and interest.

3. The said debentures as to principal and interest shall be payable at the office of the Bank of Montreal in the town of Peterborough, Ontario.

4. One of such debentures (being fifteen in all) shall be payable on the first day of October, 1895, and on the first day of October in each of the fourteen years following such last mentioned payment.

5. That it shall be lawful for the reeve of the said united townships of Burleigh and Anstruther, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said united townships of Burleigh and Anstruther, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

6. There shall be raised and levied annually by a special rate on all the rateable property in the said municipality the sum of $192.68 for the purpose of paying the principal and interest of such indebtedness.

7. This by-law shall take effect on the first day of October, 1894.

8. The votes of the ratepayers of the said municipality shall be taken on this by-law on the twentieth day of September, 1894, commencing at the hour of nine o'clock in the forenoon and continuing until 5 o'clock in the afternoon of the same day, at the following places and before the following deputy returning officers:—

1. At the Town Hall, Apsley, Peyton W. C. Shewen to be Deputy Returning Officer.
2. At Stone's School House, J. C. Stone to be Deputy Returning Officer.

9. On the nineteenth day of September, 1894, the reeve shall attend at the town hall, Apsley, at ten o'clock a.m., to appoint persons to attend at the various polling places at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

10. The clerk of the said municipality shall attend at the council chamber at ten o'clock in the forenoon on the twenty-first day of September 1894, and sum up the number of votes given for and against the by-law.

Dated at Peterborough, this 20th day of August, A.D. 1894.

(Sgd.) ALEX. BROWN,
Reeve.

(Sgd.) PEYTON W. C. SHEWEN,
Clerk.

[Seal]

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration and which will be finally passed by the council of the municipality of the united townships of Burleigh and Anstruther in the event of the assent of the electors being obtained thereto after one month from the first publication in the Peterborough *Examiner* newspaper, the date of which first publication was 23rd August, 1894, and that the votes of the electors of the said municipality will be taken thereon at the following places and before the following deputy returning officers:—

1. At the Town Hall, Apsley, Peyton W. C. Shewen to be Deputy Returning Officer;
2. At Stone's School House, J. C. Stone to be Deputy Returning Officer;

on the twentieth day of September, 1894, commencing at the hour of nine o'clock a.m., and continuing until 5 p.m. of the same day.

W. C. SHEWEN,
Clerk.

No. 59.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm a By-law of the United Townships of Burleigh and Anstruther.

First Reading, 13th March, 1895.

(Private Bill.)

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 60.] BILL. [1895.

An Act respecting the Town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light, and Power Company, and The Tagona Water and Light Company.

Preamble.

WHEREAS The Sault Ste. Marie Water, Light, and Gas Company was incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas by an Act passed in the 52nd year of Her Majesty's reign, chaptered 88, the name of the said company was changed to The Ontario and Sault Ste. Marie Water, Light, and Power Company; and whereas by an Act passed in the 53rd year of Her Majesty's reign, chaptered 135, by-law No. 157 of the town of Sault Ste. Marie, intituled "A by-law to aid The Ontario and Sault Ste. Marie Water, Light, and Power Company, to provide for subscribing for and taking stock in said company, and to provide for the issue and sale of debentures to the extent of $105,000 to be paid for the stock so to be subscribed for and taken," was confirmed; and whereas by the said last mentioned Act provision was made for the election of directors of the said company respresenting the said town upon the board of directors of the said company; and whereas by section 23 of an Act passed in the 57th year of Her Majesty's reign, intituled *An Act to consolidate the debt of the Town of Sault Ste. Marie* the council of the said town of Sault Ste. Marie were authorized, with the consent of the ratepayers of the said town, to sell or dispose of the whole or any part of the stock held by the said corporation in the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" on such terms and conditions as might be deemed advisable by the said council; and whereas Francis H. Clergue, of the city of New York, in the state of New York, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, did by writing bearing date the first day of October, 1894, offer to purchase all the stock subscribed, purchased, or otherwise acquired by the corporation of the said town of Sault Ste. Marie in the said company, consisting of 12,550 shares in the capital stock of the said company, subject to the terms and conditions contained in said offer for the sum of $260,000, payable as mentioned therein; and whereas by two certain agreements, bearing date the third day of October, 1894, the

said the corporation of the town of Sault Ste. Marie agreed with the said company for the supply to the said corporation of water and electric light for the respective terms of ten years from the passing of certain by-laws mentioned in the said agreement; and whereas by the said offer, payment of the whole of the said sum of $260,000 was made conditional upon the said agreements being renewed for a further term of ten years from the expiration of the aforesaid term of ten years in order that the said company should have all the rights, powers, privileges, and franchises conferred by the said agreements for the full term of twenty years from the final passing of the said by-laws, instead of ten years as provided in the said agreements; and whereas the rights, powers, privileges, and franchises conferred upon the said company under the said two agreements for the supply of water and electric light respectively have been duly assigned and transferred to and are now held and enjoyed by The Tagona Water and Light Company, a body corporate duly incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas by by-law No. 324 of the said town, which was duly submitted to and approved by the ratepayers of the said town in accordance with said section 23 of the said Act passed in the 57th year of Her Majesty's reign, chapter 80, the council of the said town were authorized to sell and dispose of all the stock held by the said corporation in the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company;" and whereas the said offer dated the first day of October, 1894, has been duly accepted by the council of the said corporation; and whereas a certain agreement was entered into on the 29th day of December, 1894, between the said Francis H. Clergue and Edward V. Douglas of the first part, the said the corporation of the town of Sault Ste. Marie of the second part, and the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" of the third part, providing for a mortgage to be given to the said corporation to secure the due payment of a portion of the said sum of $260,000 as provided in the said offer, upon certain conditions being fulfilled by the said corporation as set forth in the said agreement dated the 29th day of December, 1894; and whereas by assignment dated the 29th day of December, 1894, the whole of the stock held by the said corporation in the said company as aforesaid was assigned to the said Francis H. Clergue and Edward V. Douglas; and whereas the council of the said town have by by-law No. 322 provided for the exemption from taxation for ten years of the property of the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" in accordance with the terms of the said offer; and whereas a certain lease dated the 3rd day of October, 1894, from The Ontario and Sault Ste. Marie Water, Light, and Power Company to the said Francis H. Clergue and Edward V. Douglas mentioned in the said offer has now ceased to be of any effect; and whereas the said Francis H. Clergue and Edward V. Douglas and the corpora-

tion of the said town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light, and Power Company and the said The Tagona Water and Light Company have by their petitions prayed that the said agreements, by-laws, resolutions, and proceedings herein mentioned and respecting any of the matters herein mentioned may be confirmed and declared valid and binding upon all parties thereto or interested therein, and also that an Act may be passed to carry out the intention of the said parties as set forth in the said agreement hereinbefore recited; and whereas the said The Ontario and Sault Ste. Marie Water, Light, and Power Company has by its petition prayed that its name may be changed to that of the "Lake Superior Company, and that its capital stock may be increased from $400,000 to $2,000,000, with power to further increase the same, with the consent of the Lieutenant-Governor-in-Council, and for certain other amendments to the charter of the said company and the Acts respecting the said company; and whereas the corporation of the said town and The Tagona Water and Light Company have by their said petitions prayed that they may be authorized to enter into an agreement for the construction by the said company of a sewerage system for the said corporation, and for the operation of the same for a term of twenty years or any shorter term upon such terms as to annual rental to be paid to the said company therefor, and upon such other terms and conditions as may be agreed upon, including the right to the said town to take over the said system at the end of the said term upon such terms for compensation therefor as may be mutually agreed upon; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Transfer of stock to Messrs. Clergue and Douglas confirmed.

1. The transfer of the stock held by the corporation of the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light and Power Company to the said Francis H. Clergue and Edward V. Douglas, as set out in the preamble to this Act, is confirmed, and it is hereby declared that on the 29th day of December, 1894, the said stock amounting to $251,000, and consisting of 12,550 shares in the capital stock of the said company was duly vested in and became the absolute property of the said Francis H. Clergue and Edward V. Douglas, subject to such calls as the said stock was liable for in the hands of the said municipal corporation.

Contracts, agreements and by-laws confirmed.

2. The said agreements between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie, dated the 3rd day of October, 1894, for the supply of water and electric light, respectively, set out in schedule A hereto are amended by striking out the word "ten" where it occurs in the said agreement and sub-

stituting therefor the word "twenty," and subject to such amendment the several by-laws heretofore passed by the corporation of the town of Sault Ste. Marie respecting the supply of water and electric light to the said municipality by the said The Ontario and Sault Ste. Marie Water, Light and Power Company and their assigns, intituled as in the schedule B hereto, and also the several contracts and agreements heretofore made and entered into between the said Francis H. Clergue and Edward V. Douglas, the corporation of the town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, and The Tagona Water and Light Company, or any of them respectively, including the agreement contained in the said offer, dated the first day of October, 1894, and the acceptance thereof by the said council, dated the 29th day of December, 1894, and the said two agreements, dated the 3rd day of October, 1894, as amended by the said agreement, dated the 29th day of December, 1894, all of which said contracts and agreements are set out in the schedule A thereto, and the several by-laws and resolutions of the council of the said town of Sault Ste. Marie intituled as in schedule B hereto, are hereby confirmed and declared to be legal, valid and binding on the said corporation of the town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, The Tagona Water and Light Company, and the said Francis H. Clergue and Edward V. Douglas, and the ratepayers of the said town of Sault Ste. Marie, and all other persons and corporations interested therein or affected thereby.

Rights and franchises vested in the Tagona Water and Light Company.

3. All the rights, powers, privileges and franchises conferred by the said two agreements, dated the 3rd day of October, 1894, or intended so to be by the said corporation of the town of Sault Ste. Marie upon The Ontario and Sault Ste. Marie Water, Light and Power Company are hereby declared to have been from the 24th day of November, 1894, being the date of the said assignment from the said Francis H. Clergue and Edward V. Douglas to the said Tagona Water and Light Company, and to be now vested in the said Tagona Water and Light Company as fully and effectually as if the said Tagona Water and Light Company were named in the said two agreements as parties thereto in the place and stead of the said The Ontario and Sault Ste. Marie Water, Light and Power Company, and upon and during the fulfillment by the said Tagona Water and Light Company of the terms and conditions, and the performance by the said company of the covenants according to the said two agreements on the part of the said The Ontario and Sault Ste. Marie Water, Light and Power Company to be observed, fulfilled and performed, the said Tagona Water and Light Company shall be and become absolutely entitled to receive from the said town of Sault Ste. Marie the annual sums of $5,000 respectively, payable under the said two agreements to the said The Ontario and Sault Ste. Marie Water,

Light and Power Company, and all other moneys payable thereunder, and shall be entitled to and may exercise such rights, powers, privileges and franchises.

By-laws authorizing mayor and clerk to execute instruments to carry out contracts.

4. The council of the said town of Sault Ste. Marie may, by by-law or by-laws passed from time to time, authorize the mayor and clerk of the said corporation under the corporate seal of the said town, to execute from time to time all such deeds, conveyances, leases, transfers, discharges or mortgages, partial discharges of mortgages, withdrawals of caution, partial withdrawals of caution and all other documents and agreements which may be necessary or proper to enable the corporation of the said town to carry out the terms of the agreements set out in the schedule hereto or incidental to or respecting any of the matters referred to in the said agreements.

Name of Ontario and Sault Ste. Marie Water, Light and Power Co. changed.

5. The name of The Ontario and Sault Ste. Marie Water, Light and Power Company is hereby changed to and the said company shall hereafter be known and designated as the "Lake Superior Company," and the said company shall have perpetual succession.

Company not to be deemed a new corporation.

6. The said company, under its name as changed as aforesaid, shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the said Acts in the preamble of this Act mentioned, or otherwise, have been held, exercised and enjoyed by the company in as full and ample a manner as if the company had continued under its original name, and the several provisions of the said Acts are hereby incorporated in and are to be considered as sections of this Act as if they had been set out at length and enacted as part thereof subject after the passing of this Act only to the amendments in this Act contained; and all real and personal property, shares or stock, obligations, debts, claims, rights, powers and privileges of the company shall, after the passing of this Act, be held by and vested in the company under the name of the "Lake Superior Company"; and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act, begun by or against the company, may be continued under the name or under the style of cause in which they have been begun.

Power to increase capital stock.

7. Notwithstanding anything contained in chapter 164 of the Revised Statutes of Ontario, 1887, and amending Acts, it shall and may be lawful for the directors of the said Lake Superior Company to increase the capital stock of the said company to an amount not exceeding $2,000,000, divided into 20,000 shares of $100 each, and the directors of the said company may, when authorized by the shareholders thereof, by

by-law duly passed at a meeting specially called for that purpose, allot such new stock in such manner as they may deem best in the interest of the company, and may call in and cancel the stock at present held by any person in the said company, and in lieu thereof make an allotment of new stock to the holder of the stock so called in and cancelled of one share of such new stock for every five shares of the stock so called in and cancelled.

Next annual general meeting.

8. The next annual general meeting of the shareholders of the said company shall be held within one month after the passing of this Act at the town of Sault Ste. Marie and shall be called by the directors of the said company, giving at least ten days' notice of the time and place of meeting, by publication in one or more newspapers published in the said town, or by a circular mailed to the address of each shareholder at least ten days previous to the time appointed for holding the meeting.

Head office, general annual meetings.

9. The head office of the said company shall be at the town of Sault Ste. Marie, and subject to the provisions of the next preceding section, the general annual meeting of the shareholders in the said company shall be held at such places and on such days and at such hours as may be directed by the by-laws of the company. Notice of the time and place of holding such meetings shall be inserted not less than ten days previous thereto in a newspaper published in the town of Sault Ste. Marie, or may be given by a circular mailed to the address of each shareholder at least ten days previous to the time appointed for holding the meeting.

Special general meetings.

10. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the case of general annual meetings.

Election of directors.

11. At the said first annual general meeting and at each annual general meeting thereafter, the shareholders of the said company shall elect not more than nine persons nor less than three persons directors of the said company, provided that the shareholders of the said company may, by by-law, increase or decrease the number of directors, but no by-law for such purpose shall be valid or acted upon unless it is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy, at a special general meeting duly called for that purpose; nor until a copy of the by-law as passed, has been certified under the seal of the company to the Provincial Secretary, and has also been published in the *Ontario Gazette*.

Qualification of directors.

12. A majority of the shareholders of such company present at any special general meeting, may pass a by-law determining the number of shares it shall be necessary for a shareholder to hold to qualify him to act as a director.

Issuing bonds or debentures.

13. Notwithstanding anything contained in any general or special Act relating to the said company, in case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the said company then present in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company and issue the bonds, debentures or other securities of the company and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or be necessary; but none of such debentures shall be for a less sum than one hundred dollars.

(3) The said company shall not have power without the consent of the Lieutenant-Governor in Council to issue bonds or debentures under this section for a greater amount than double the paid up capital of the said company.

(4) The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the purposes of the said company.

Board of directors declared to have been duly constituted since transfer of stock.

14. All the acts done and contracts entered into by the board of directors of the said company since the transfer of the stock held by the corporation of the town of Sault Ste. Marie as hereinbefore set forth, are hereby confirmed and declared to be legal, valid and binding upon the said company, and all other persons and corporations concerned therein or parties thereto in the same manner and to the same extent as if the said transfer of stock had not been made and the election of a board of five directors of the said company at a meeting held at the town of Sault Ste. Marie on the 31st day of January, 1895, is hereby confirmed and declared to have been legal, valid and binding to all intents and purposes, and the said board of directors is and shall continue to be until the election of directors after the passing hereof in the manner hereinbefore provided, the duly constituted board of directors of the said company, anything contained in any of the Acts mentioned in the preamble to this Act or in any other Act to the contrary notwithstanding.

Purchasing bonds or stock in other companies.

15. The board of directors of the said company may, purchase the bonds or debentures of any incorporated company, or loan money on such bonds or debentures at such rate of interest as may be agreed upon, or may purchase the stock of any incorporated company or any portion of such stock.

Purchase or manufacture and sale of goods, etc.

16. The said company may, in addition to the other powers conferred by this or any other special or general Act relating to the said company, buy and sell goods, wares, merchandise, and personal property of whatsoever nature or kind, and may engage in the manufacture and sale of any kind of goods, wares, merchandise, produce and products, and may do all acts necessary for or pertaining to or incidental to such manufacture or sale.

53 V. c. 135, s.s. 6-15, 17-19, 24-26; 56 V. c. 6, s. 6, and inconsistent enactments repealed.

17. Sections 6, 7, 8, 9, 10, 11, 12, 12, 13, 14, 15, 17, 18, 19, 24, 25 and 26 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 135, and section 6 of the Act passed in the 56th year of Her Majesty's reign, chaptered 6, and all other sections of any Act or parts of Acts inconsistent with the provisions of this Act are repealed.

Incorporation of Tagona Water and Light Company confirmed.

18. The incorporation of the said Tagona Water and Light Company is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of the Act, chapter 164, of the Revised Statutes of Ontario, 1887, with power, in addition to all other powers, privileges and franchises conferred by the said Act and the amendments thereto, to supply the said town of Sault Ste. Marie, and the inhabitants thereof, with gas, electricity, or other means of lighting or heating, and with water for fire protection, street watering and domestic and commercial purposes, and all other purposes whatsoever.

Board of directors of Tagona Water and Light Company.

19. The board of directors of the said company, as constituted from the date of the incorporation of the said company, and consisting of five persons, is declared to have been and to be the duly constituted board of directors of the said company, and the acts done and resolutions passed by the said board of directors so far as the same are not contrary to the provisions of the said Act, chapter 164, of the Revised Statutes of Ontario, 1887, or this Act, are hereby declared to be legal and valid and binding upon the said company.

Power to increase or decrease the number of directors.

20. Notwithstanding anything contained in the Act, chapter 164 of the Revised Statutes of Ontario, or any other Act, the said Tagona Water and Light Company may, by by-law, increase or decrease the number of directors of the said company, but no by-law for such purpose shall be valid or be acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy, at a special general meeting duly called for the purpose of considering said by-law, nor until a copy of such by-law, certified under the seal of the company, has been deposited in the office of the Provincial Secretary, and has also been published in the *Ontario Gazette*.

Agreement between the town of Sault Ste. Marie and Tagona Water and Light Company for construction of sewerage system.

21. The council of the said town of Sault Ste. Marie may, by by-law duly passed for that purpose, and without obtaining the assent of the ratepayers of the said town thereto, provide for entering into an agreement with the said "The Tagona Water and Light Company," for the construction, maintenance and operation by the said company of a system of sewerage and drainage in and for the said municipality for the term of twenty years from the date of such agreement, or for any shorter term, upon such terms as to rental to be paid to the

said company therefor, and as to the taking over of the said system and works, by the said municipal corporation at the expiration of the term fixed by the said agreement, and the maintenance and operation of the said system thereafter by the said municipal corporation, and upon such other terms and conditions as may be agreed upon, and the said company is hereby authorized and empowered to carry out the terms of such agreement, and to construct, maintain and operate such system of sewerage and drainage and to do all acts, and to enter into all contracts necessary therefor or incidental thereto, in the same manner and to the same extent as the said municipal corporation might have done under the powers conferred by *The Consolidated Municipal Act 1892* and the amendments thereto. 55 V. c. 42.

Agreements with municipalities.

22. The said Tagona Water and Light Company on the one part, and any municipal or other public corporation or body, on the other, may enter into and carry into effect any contract or agreement for not more than twenty years, for and with respect to the supply to such corporation or body, or the inhabitants or members thereof, of gas, electricity or other means of lighting and heating, or water, or water power or electric or other motive power, and any fittings required therefor.

Shareholders not liable beyond amount of their stock.

23. The shareholders of the said Lake Superior Company and of the Tagona Water and Light Company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the said company or either of them, beyond the unpaid amount of their respective shares in the capital stock thereof, and it is hereby declared that the Act passed in the 52nd year of Her Majesty's reign, chaptered 26, intituled *An Act respecting the Limited Liability of Incorporated Companies*, does not and never has applied to either of the said companies, and the directors and officers of the said companies shall not be liable for any penalty, or incur or be deemed to have incurred any personal liability by reason of non-compliance with the provisions of the said Act or any of them.

Special meetings.

24. One-fourth part in value of the shareholders of either of the said companies shall at all times have the right to call a special general meeting of the company for the transaction of any business specified in such written requisition and the notice calling the meeting.

Companies may issue preferential stock.

25.—(1) The directors of either of the said companies may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

Powers of preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by the vote of three-fourths in value of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or sanctioned in writing by same proportion of the shareholders of the company.

Rights and liabilities of holders of preference stock.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act and any other Act relating to either of the said companies, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights of creditors preserved.

(5) Nothing in this section shall affect or impair the rights of creditors of either of the said companies.

Elevators and warehouses.

26. Either of the said companies may construct, own, lease or hire elevators and warehouses and all buildings and machinery necessary for the business of elevating and storing all kinds of goods, wares, merchandise, produce and products, and may purchase and sell the same on commission or otherwise, and may engage in the business of warehousemen and forwarders, and may issue warehouse receipts and bills of lading or other documents, and do all things necessary in connection therewith.

Securing bonds by mortgage.

27. The said Lake Superior Company and Tagona Water and Light Company, or either of them, may secure the bonds, debentures or other securities which they are respectively authorized to issue under this Act or under the said Act, chapter 164 of the Revised Statutes of Ontario, by a mortgage deed or deeds, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed.

(*a*) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy, (as the case may be); and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders or to the said trustees.

(*b*) Every such mortgage deed, in addition to depositing the same in the office of the Provincial Secretary as hereinafter provided, shall be registered in the registry office or offices of the district or districts in which the lands affected thereby or any of them are situate.

Mortgage need not be registered as a chattel mortgage under 57 V. c. 37.

28. It shall not be necessary, in the exercise of the powers as to mortgaging in this Act contained, to comply with the provisions of the *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by letters of the said companies under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, and upon notice of such deposit being given in the *Ontario Gazette*, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Rev. Stat. c. 156, not to apply to companies.

29. It is hereby declared that the provisions of *The Ontario Joint Stock Companies' General Clauses Act*, and any Acts amending the same, have not heretofore applied and do not apply to the said Lake Superior Company or the said Tagona Water and Light Company.

Making leases.

30. It is hereby declared that the said companies severally have had from the respective dates of their incorporation, and have power to acquire by lease or otherwise, lands, lands covered with water, water power, buildings and machinery, together with all the rights, powers, privileges and franchises connected or enjoyed with, or incidental to the ownership and operation of such lands, lands covered with water, water power, buildings and machinery, and in as full and ample a manner to lease or dispose of the same or any part thereof, as the company may see fit.

SCHEDULE A.

(*Section 2.*)

NEW YORK, N. Y., 1st October, 1894.

To the Corporation of the Town of Sault Ste. Marie:

We hereby offer for ourselves and assigns to purchase from you all the stock subscribed, purchased or otherwise acquired by you in The Ontario and Sault Ste. Marie Water, Light and Power Company, subject to the undermentioned conditions at and for the price or sum of two hundred and sixty thousand dollars of lawful money of Canada, to be payable as hereinafter mentioned, namely, the moneys owing on and under the mortgage or mortgages against the lands of the said company to be paid by us direct to the respective mortgagees under said mortgages as soon as the same may become due under the terms of the said mortgages. The balance of the said purchase money is to be payable by us upon the days and times upon which and in the manner in which you are required to pay and provide for the payment of $228,000 of the debentures of the said town of Sault Ste. Marie, issued or to be issued under the authority of *The Sault Ste. Marie Debenture Act 1894*, and also the debentures issued or to be issued by you in favor of the Government of Ontario under and by virtue of the Act of the Legislature of Ontario passed in the 56th year of Her Majesty's reign and chaptered 6, which latter debentures are to be given by said town in payment of the lands of said company purchased by them from said Government of Ontario, and the principal sum payable under which is in all to amount to $25,572.50, which said consolidated debentures and debentures in favor of the said Government are from and after the date of delivery to us of your stock to be assumed and paid off by us or our assigns according to the respective exigencies thereof, including the payment of all interest in full due thereunder (the first payment of interest, however, to be apportioned from the date of delivery of said stock.) The moneys already paid by you for sinking funds on account of the water power debentures, amounting to $6,362.49, are to be repaid by us to you as soon as the said mortgages shall have been paid off as aforesaid. In case the said mortgages, however, together with the sum of $253,572.50, and the sinking fund payment above mentioned, exceed the sum of $260,000.00 hereby offered for your stock as aforesaid, the excess is to be paid to us by you before we are to be bound to pay off said mortgages.

To secure the payment by us of the said debentures in the manner aforesaid, we agree to give you as soon as all of our nominees for that purpose have been duly elected to the directorate of the company, a first mortgage upon the property, assets, franchises and credits of the said company, as well as those now in existence as those to be hereafter owned by it, to be a first charge thereon, to secure payment by us or our

assigns of the said debentures and interest thereon at the times, and in the manner aforesaid, or at your option give you instead of said mortgage, bonds of the said company in double the amount of said debentures to secure due payment thereof with all payments falling due thereunder as aforesaid, you to procure from the Governments of Canada and Ontario grants to the company free of all charges and of all encumbrances whatsoever of the lands and land covered with water to be granted or intended to be granted to the company by said respective Governments. The mortgage or bonds to be given by the company as aforesaid shall not be assignable and shall each contain a statement to that effect upon the face thereof. In case you take the company's mortgage for the purpose of security as aforesaid, the company, its successors and assigns are at all times to be entitled to a release of any portion or portions of their property from said mortgage upon depositing with the accountant of the Supreme Court of Judicature for Ontario or the Trusts Corporation of Ontario as trustees for the corporation, other security of a kind which in case of disagreement shall be settled by a judge of the High Court of Justice.

If our offer be accepted we agree that the company, its successors and assigns shall undertake, execute, carry out and fully perform or cause to be performed contracts with the said corporation of which the terms, covenants and conditions are respectively set forth in the documents hereto annexed and marked A and B, and we will further agree and do hereby covenant and agree in case this offer be accepted within the time limited therefor that before the 31st day of December, A.D. 1895, we will for and on behalf of said company, its successors and assigns, expend at least two hundred thousand dollars in the erection of mills, manufactories, and other permanent improvements in the town of Sault Ste. Marie (in addition to the waterworks and electric light systems to be constructed by the company, it successors and assigns, according to the terms of the said documents A and B), and will before the 31st day of December, A.D. 1897, expend for and on behalf of said company, its successors and assigns, in the erection of mills, manufactories and other permanent improvements in said town, at least five hundred thousand dollars, inclusive of the said sum of $200,000, to be expended in the first of said three years. Mills, manufactories and the other improvements above named which may be erected or made in said town by any companies which may be incorporated by or through us to be taken as part of the improvements to be made by us as aforesaid.

This offer is made upon the express condition that the said company, their successors and assigns, are to have for the period of ten years from the time of passing such by-law as may be necessary for that purpose exemption from taxation in said town of all their plant and works and the lands on which the same are situate or used in connection therewith, said plant

and works including the said waterworks and electric light systems wherever situate in said town, and also that all mills, manufactories and other similar improvements erected or made upon the property of said company, their successors or assigns, shall during the same period of time be likewise exempt from taxation in said town, whether the same shall be erected or owned by the said company, their successors or assigns, or by any other company, person, or firm or persons, it being the intention of this offer that all mills, manufactories and other improvements by whomsoever made, to be erected or made upon the property of said company, their successors or assigns, shall be exempt from taxation as aforesaid, (buildings, however, which are used as dwellings or for the sale of merchandise to be liable to taxation while so used or intended to be so used).

And this offer is made subject to the further express condition that as soon as this offer is accepted and before any money is to be paid by us as aforesaid, each and all of the then directors of the company shall for the purpose of electing our several nominees therefor to the directorate of said company, in all respects obey our requests and directions as to the time and manner of the resignation of each of them from said directorate, each of said directors to resign therefrom at such time and in such manner as we may request him to do , and to assist in procuring the election to said directorate of all our nominees therefor as soon as requested by us to do so, and in the manner to be prescribed by us

The council of your town for the time being are to procure the passage at as early a date as may be convenient therefor of all by-laws necessary for the carrying into effect of the contracts and agreements herein referred to, and said contracts are to be executed by the corporation at the same time as they are executed by the company.

It is our desire, intention and expectation in making this offer that the company and its assigns shall have granted to it by the corporation at the expiration of the term of ten years mentioned in said documents A and B as the time during which the rights and franchises therein set forth shall be held, owned and enjoyed by the company, the same rights and franchises to be held, owned and enjoyed by the company, its successors and assigns for the further period of ten years from the expiration of the said first period of ten years, and that on or before the expiration of the said first period of ten years, agreements shall be executed by the corporation, conferring upon the company, its successors and assigns, the same rights and franchises for the next ensuing ten years as it is to hold and enjoy for the said first period of ten years as provided in said documents A and B, and it is therefore expressly provided that if at the expiration of the said period of ten years, during which the said company and its assigns are to have the rights and franchises mentioned and set forth in said documents A and B, the said

corporation do after being requested in writing so to do, enter into and execute with the company, their successors and assigns, agreements conferring upon the company, their successors and assigns, the same exclusive rights and franchises for the ten years then next ensuing as are mentioned and set forth in said documents A and B, and containing similar terms, covenants and conditions to those set forth in said documents A and B so that the company, its successors and assigns would then in all, including the said first period of ten years, have for twenty successive years exclusively the rights and franchises mentioned and set forth in the said documents A and B, then, notwithstanding anything to the contrary hereinbefore mentioned, we, our heirs and assigns and the said company, its successors and assigns, are thereupon to be released and will be thereby released from paying in any manner whatsoever one hundred and fifty thousand dollars of said purchase money for your said stock either to you direct or by paying your debentures as aforesaid, the debentures to the extent of said sums of $150,000, which in such case are not to be paid to be designated by the company, its successors and assigns. And this offer is made on the further condition that the council of the said corporation for the time being shall, when requested by the company or their assigns so to do, consent to and by resolutions or otherwise as may be deemed advisable by the company or their assigns, assist the company or their assigns in procuring legislation from the Government of Ontario, authorizing the said company and their assigns and corporation to enter into agreements with each other upon terms similar to those mentioned and set forth in said documents A and B for the term of twenty years from the final passing of the by-law therein mentioned, instead of ten years as therein mentioned, and that upon such legislation being obtained the said corporation will upon the request of the company or their assigns enter into with the company and their assigns the agreements which by such legislation they are authorized to enter into, and the corporation will also upon the request of the company or their assigns by resolution or otherwise as may be deemed advisable by the company or their assigns assist the company and their assigns to procure such other legislation as the company or their assigns may deem desirable or necessary in order to fully and effectually carry out the intention and purposes of and to make in all respects valid the agreements between the corporation and the company, their successors and assigns.

It is also to be understood and agreed by the acceptance of this offer that if at the expiration of the term of twenty years above mentioned, or of any subsequent term of twenty years the corporation or its successors or assigns agreements similar in terms to those to be entered into for first period of ten years as hereinbefore mentioned and securing to them the same rights and franchises as are therein mentioned to be held, owned and enjoyed by them for the further term of ten years

(and in case they are empowered so to do the further term to be twenty years), or in case the corporation shall not grant such renewal to the company, its successors and assigns at the expiration of the period of ten years firstly above mentioned or of any other term during which the company, its successors and assigns may enjoy the rights and franchises mentioned in said documents A and B, then and in either of such cases the corporation or its successors shall, upon the request of the company, its successors or assigns, purchase from the company, its successors or assigns the water works and electric light systems which the company, its successors or assigns shall then own in the said town, to be paid for at a valuation to be arrived at in the manner provided by sections 98 and 99 of chapter 164 of the Revised Statutes of Ontario, 1887, for matters to which these sections refer.

We also agree that after the corporation shall have purchased and paid for the whole water works and electric light systems as above provided the said corporation shall at all times thereafter have the right to be supplied by the company, its successors and assigns with water power sufficient to run said systems for the purposes only of the corporation including domestic service upon such terms as to compensation therefor as in case of disagreement may be settled by arbitration. Each party in case of an arbitration is to appoint an arbitrator in writing and the said two arbitrators are to appoint a third, and the award in writing of a majority of said arbitrators shall be binding and final, and in case either party after seven days' written notice by the other to appoint an arbitrator shall neglect or decline to do so, then a judge of the district of Algoma may appoint an arbitrator for the party in default. In determining the compensation to be paid for said water power by the corporation the arbitrators shall take into consideration and give effect to the value of the water power and electric light systems which the corporation shall take over from the company, its successors or assigns and the income derived therefrom.

This offer is made upon the further condition that before the fourth day of October, 1894, the said company shall duly execute the lease hereto annexed and procure the fulfillment of the conditions mentioned in paragraph 1 thereof and that you will also at as early a date as may be convenient therefor pass a by-law providing for the exemption from taxation therein referred to.

This offer is to remain open for acceptance for forty days from the date thereof.

Witness: }
(Sgd.) N. SIMPSON. }

(Sgd.) FRANCIS H. CLERGUE. [Seal].
(Sgd.) E. V. DOUGLAS. [Seal].

This agreement made in duplicate this third day of October, in the year of our Lord one thousand eight hundred and ninety-four, between The Ontario and Sault Ste Marie Water, Light and Power Company, hereinafter called the company, of the first part, and the corporation of the Town of Sault Ste Marie, hereinafter called the corporation, of the second part.

Whereas the said corporation has passed a by-law authorizing the said company, its successors and assigns to construct waterworks and supply water to the said corporation for fire, domestic and other purposes;

And whereas the said company for itself, its successors and assigns has agreed to construct waterworks and supply said corporation with water for fire, domestic and other purposes

Now this indenture witnesseth, that the said company, the parties hereto of the first part, for the consideration hereinafter mentioned, on behalf of themselves, their successors and assigns, covenant with the said corporation, the parties hereto of the second part, and their successors, to lay down four miles of piping on such streets, alleys, lanes, squares or public places of the corporation of the town of Sault Ste Marie as the council of the said corporation may direct, of sufficient strength and capacity to ensure a pressure of eighty pounds to the square inch and a supply of one hundred and sixty cubic feet of water per minute at the hydrants on Queen street and the area south of Queen street to the St. Mary River in said town, said piping to be laid down upon such streets as may be designated for that purpose by resolution of the council of the said corporation, provided always that no such resolution shall increase the mileage of piping herein contracted for except where an extension is required under the terms of this agreement upon a profit of ten per cent. of the cost of such extension being shown as hereinafter provided, the upper surface of the pipes to be laid not less than five feet beneath the surface of the ground.

2. That the said company or their assigns shall fill up all excavations made in laying down the pipes as expeditiously as possible, care to be taken as far as may be practicable to preserve a free and uninterrupted passage through the said streets while the works are in progress, and the said streets in which excavations are made are to be repaired and left in as good a condition as they were in before the excavation, said repairs to be made within a reasonable time.

3. That the said company or their assigns shall commence the construction of the said works on or before the 15th day of October, A.D 1894, and complete the construction thereof on or before the 1st day of October, A.D. 1895.

4. That the said company, their successors or assigns, shall not charge more than the rates mentioned in the schedule hereto annexed.

5. That the said company, their successors or assigns, shall extend the pipes upon any street or streets (whether pipes shall have been previously laid thereon or not) when desired

so to do by the resolution of the council of the said corporation, when a profit of ten per cent. on cost of extension can be shown, provided, however, that the council of the said corporation shall before laying or allowing any pipe or pipes for water service to be laid down on any of the streets of the town serve the company with one month's notice in writing, setting forth the extension desired, provided always that the company shall not be required to extend their system except between the fifteenth day of May and the first day of November in each year.

6. That the said company, their successors or assigns, shall during the term of ten years hereinafter mentioned, furnish the said corporation free of charge with sufficient water to supply two drinking fountains during the summer months, said fountains to be located anywhere within the said town the council of the said corporation may direct, the cost of connecting main pipe of company with the said fountain taps to be borne by said corporation. The said company, their successors and assigns, shall also furnish the said corporation free of charge during the whole of said term of ten years with sufficient water to sprinkle the streets and flush the sewers of the said corporation, and shall also supply the public buildings and schools of the said corporation with water free of charge, the cost of connecting the main pipe of the company, their successors or assigns, with the taps in said buildings and schools to be borne by said corporation, and sewers to be flushed by a method to be approved by, and under the supervision and control of, the company's engineer.

7. That the said company, their successors or assigns, will supply and lay down at net actual cost of material and labor the pipes for all water takers requiring water, pipes connecting with their main pipes.

8. That the said company, their successors or assigns, shall, in case any damage or loss shall at any time happen or be caused through the negligence or gross neglect of the said company, their successors or assigns, or any of its or their workmen or employees, whether such loss or damage happened to or be suffered by the corporation or any other person or persons, be liable to pay on demand all such damage as may happen or be suffered as aforesaid.

9. And it is hereby provided that the said company, their successors and assigns, shall supply consumers in the said corporation whose properties are within a reasonable distance of the mains of pipes of the said company, their successors and assigns, with water taken from the St Mary river above the rapids, and that such water shall always be subject to inspection by the council of the said corporation or the board of health for said corporation.

10. The said company, their successors and assigns, shall be liable for damages for the breach of any of the provisions of this agreement.

11. The said company, for itself, its successors and assigns, hereby binds itself to pay the said corporation the sum of

fifty dollars per day for each and every day which may ensue or elapse after the first day of October, A.D. 1895, on which any part of the said works may be unfinished or incomplete, and which may be recovered as liquidated or ascertained damages against the said company, its successors and assigns, on demand.

12. The said company, for itself, its successors and assigns, covenants and agrees that for and during the term of ten years from the final passing of the by-law hereinbefore mentioned, they will maintain their system of water works in good and efficient order, and will supply water to the said corporation, and to all persons therein desiring same, at all times, the rates to be charged therefor not to exceed those mentioned in the schedule hereto attached.

13. In consideration whereof the said corporation hereby covenants and agrees to confer exclusively upon the said company, its successors and assigns, without further compensation therefor, all the powers, privileges and immunities necessary to acquire lands and water and water privileges necessary for the construction, establishment, maintenance and management of the said company's waterworks, and also to confer upon said company, its successors and assigns, the exclusive right to lay down pipes and conduits and to carry the same along, across, through and under any of the streets, alleys, lanes or squares, or public places of the said corporation, and to exercise within the said corporation all the powers and privileges which may be conferred upon gas and water companies under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887, and the Acts of the Legislature of the Province of Ontario, respecting the said company, the parties hereto of the first part.

14. And the said corporation hereby covenants to pay the said company, its successors and assigns, the sum of fifty dollars per annum each for one hundred hydrants, and the sum of fifty dollars per annum for each additional hydrant the said corporation may require, payable quarterly, for the term of ten years from the final passing of the by-law hereinbefore mentioned, the said quarterly payments to be calculated from the time the hydrants are ready for use.

In witness whereof the corporation of the said town by its mayor and clerk and the said company by its president and secretary have executed these presents and have respectively attached their corporate seals.

(Sgd.) R. M. VanNorman,
President.

(Sgd.) R. H. Carney,
Acting Secretary. [Company's Seal.]

(Sgd.) James Bassingthwaighte,
Secretary.

(Sgd.) W. H. Plummer,
Mayor.

(Sgd.) R. H. Carney,
Acting Clerk. [Town Seal.]

(Sgd.) James Bassingthwaighte,
Clerk.

SCHEDULE OF WATER RATES REFERRED TO IN THE ANNEXED AGREEMENT.

			Consolidated rate.
Dwellings of 1 room	$ 5 00	per year	.....
" 2 "	6 00	"	.....
" 3 "	8 00	"	.....
" 4 "	10 00	"	.....
" 5 "	10 00	"	$16 00
" 6 "	13 00	"	20 00
" 7 "	16 00	"	24 00
" 8 "	20 00	"	28 00
" 9 "	22 00	"	31 00
" 10 "	24 00	"	35 00
" 11 "	26 00	"	38 00
" 12 "	29 00	"	41 00
" 13 "	31 00	"	44 00
" 14 "	34 00	"	47 00
" 15 "	36 00	"	49 00
" 16 "	39 00	"	51 00
For each room over 16.....	2 00	"	2 00

The consolidated rate includes one water-closet, one bath, and one wash-basin, with tap and sink.

Extras, if consolidated rate is not paid: Baths, each, $5.00; water-closets, each, $6.00; wash-basins, each, $4.00; said baths, water-closets and wash-basins being only those in dwellings.

Other rates to be by special contract.

(Sgd.) W. H. PLUMMER,
Mayor.

(Sgd.) R. H. CARNEY,
Acting Clerk.

(Sgd.) JAMES BASSINGTHWAIGHTE,
Clerk.

(Sgd.) R. M. VANNORMAN,
President.

This agreement, made in duplicate this third day of October in the year of our Lord one thousand eight hundred and ninety-four, between The Ontario and Sault Ste. Marie Water, Light and Power Company, hereinafter called the company, of the first part, and The corporation of the Town of Sault Ste. Marie, hereinafter called the corporation, of the second part.

Whereas, the said corporation has passed a by-law authorizing the said company its successors and assigns to construct electric light works for the purpose of lighting the streets and other public places of the town of Sault Ste. Marie and supplying the said town with electric light;

And whereas the said company for itself, its successors and assigns has agreed to construct said electric light works for the purpose aforesaid.

Now this indenture witnesseth that the said company the parties hereto of the first part for the consideration hereinafter mentioned for itself, its successors and assigns, covenants with the corporation the party hereto of the second part and its successors to furnish and supply to the said corporation and its successors, fifty arc lights and one hundred and fifty incandescent electric lights or more as may be required by the said corporation for street lighting purposes and for the lighting of public parks, buildings, squares and other public places in the said town of Sault Ste. Marie, for and during the term of ten years from the final passing of the by-law hereinbefore mentioned, upon the terms and conditions hereinafter mentioned, as follows :

1. That the electric light and other apparatus so to be supplied by the said company, its successors and assigns shall be of the best quality and that the said company its successors and assigns shall and will on each and every night for and during the said term of ten years cause the said electric lights to be lighted and kept burning every night from the time it becomes dark until daylight of the following morning.

2. The said company its successors and assigns is to erect poles, string wires and conductors and maintain in good efficient order said poles, wires and conductors, and said arc lights are to be of not less than one thousand candle power each, and the said incandescent lights are to be of not less than thirty candle power each.

3. The said company its successors and assigns shall place the said electric lights at such points or places along the streets, lanes or highways of the said corporation as the council of the said corporation may direct, and when and where the said council shall require the same.

4. The said company its successors and assigns shall fill up as expeditiously as possible all excavations made on the streets for the erection of poles, care being taken as far as may be possible to preserve a free and uninterrupted passage through the said streets while the works are in progress and the streets in which excavations are made are to be repaired and left in as good a condition as they were in before the excavation, said repairs to be made within a reasonable time.

5. The said company its successors and assigns is to have the said electric light system completed and to furnish said lights on or before the first day of July, A.D. 1895.

6. The said company its successors and assigns shall be liable for damages for breach of any of the provisions of this agreement, but in case of a default in respect of lights the amount of damages is to be estimated by adopting as the value of each arc light seventy dollars per annum and of each incandescent light ten dollars per annum.

7. The said company, its successors and assigns, shall pay the said corporation a penalty of fifty dollars per day for each and every day which may ensue or elapse after the said first day of July, A.D. 1895, during or on which any part of the

said works may be unfinished or incomplete, which may be recovered from the said company, its successors or assigns as liquidated or ascertained damages on demand, and in case any damage or loss shall at any time happen or be caused through or by the negligence or gross neglect of the company, its successors or assigns, or any of its or their workmen or employees, the said company, its successors or assigns shall be liable to pay on demand all such damages as may happen as aforesaid.

8. In consideration whereof the said corporation hereby covenants and agrees to confer exclusively upon the said company, its successors and assigns all the powers, privileges and immunities necessary to acquire lands, water power and water privileges as provided by chapters 164 and 165 of the Revised Statutes of Ontario, 1887, and *The Consolidated Municipal Act 1892*, and the amendments thereto, and also as therein provided for the purposes hereinbefore mentioned to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light and also to confer upon said company, its successors and assigns the exclusive right to erect poles, string wires and conductors, and to carry the same along, across, through or over and under any of the streets, lanes, alleys, squares or public places of the corporation of the town of Sault St. Marie and to exercise within the corporation all the powers and privileges conferred upon gas and water companies by the said Acts of the Legislature of Ontario.

9. And the said corporation on behalf of itself and its successors hereby covenants and agrees to take fifty arc lights of one thousand candle power, and one hundred and fifty incandescent electric lights of thirty candle power each from the said company, its successors and assigns for the term of ten years from the final passing of said by-law and to pay therefor quarterly the sum of five thousand dollars per annum during said term, and in case more than the said number of lights is rquired by said corporation the further sum of seventy dollars per annum for each arc light and ten dollars per annum for each incandescent light, payable quarterly, and it is expressly understood and agreed that the said lights are to be kept lighted from dark to daylight of the following morning on each and every day during the said term, and the time for which the said lights are to be paid is to commence when the said lights are ready for use.

(Sgd.) W. H. PLUMMER, [Town seal.]
Mayor.
(Sgd.) R. H. CARNEY,
Acting Clerk.
(Sgd.) JAS. BASSINGTHWAIGHTE,
Clerk.
(Sgd.) R. M. VANNORMAN,
President.
(Sgd.) JAMES BASSINGTHWAIGHTE, [Company's
Secretary. seal.]

ASSIGNMENT.

Know all men by these presents, that The Ontario and Sault Ste. Marie Water, Light and Power Company, named in the agreements hereto annexed, in consideration of the sum of one dollar paid to them by Francis H. Clergue, of the city of New York, mill owner, and E. V. Douglas, of the city of Philadelphia, capitalist, the receipt whereof is hereby acknowledged, doth hereby sell, assign and transfer to the said Francis H. Clergue and E. V. Douglas and their assigns all their interest, right, claim and demand of every nature and kind whatsoever in the annexed instruments, being agreements between the said company and the corporation of the town of Sault Ste. Marie for the supply to said corporation of water and electric light, and also every covenant, article and thing therein contained to have and to hold the same unto the said Francis H. Clergue and E. V. Douglas, their executors, administrators and assigns with power to take all lawful measures which the said company might have taken for the full recovery and enjoyment of all rights and provisions mentioned in said agreements.

And the said Francis H. Clergue and E. V. Douglas, for themselves and their assigns, do hereby covenant with said company that they will duly perform all the acts and conditions which by the terms of said agreements the said company are required to do.

In witness whereof the parties hereto have duly executed these presents.

(Sgd.) R. M. VANNORMAN, President. [Company's seal.]

(Sgd.) R. H. CARNEY, Acting Secretary.

(Sgd.) JAMES BASSINGTHWAIGHTE, Secretary.

(Sgd.) FRANCIS H. CLERGUE. [Seal.]

(Sgd.) E. V. DOUGLAS. [Seal.]

Signed, sealed and delivered in the presence of (Sgd.) N. SIMPSON.

This agreement, made in duplicate this third day of October, A.D. 1894, between Francis H. Clergue, of the city of New York, in the state of New York, one of the United States of America, mill owner, and E. V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, of the first part, and the corporation of the town of Sault Ste. Marie, in the district of Algoma and Province of Ontario, of the second part;

Whereas certain negotiations have been pending between the parties of the first and second parts, the partial results of which is that said parties of the first part have become the assignees of certain electric light and waterworks contracts for supplying said parties of the second part with light and water;

And whereas one of the considerations for such light and waterworks contracts is the covenant of said parties of the first part contained in a certain offer or proposal made by said parties of the first part to said parties of the second part and dated the first day of October, 1894, to expend within the town of Sault Ste. Marie at least two hundred thousand dollars ($200,000) in the erection of mills, manufactories and other similar improvements in addition to waterworks and electric light systems before the 31st day of December, 1895, and further sums as in said offer or covenants set out;

And whereas in order to more effectually secure the performance of said covenant to expend said money as aforesaid within time limited and in manner specified, the said parties of the first part have agreed that in the event of the said two hundred thousand dollars in improvements not being expended on or before said 31st of December, 1895, unless for reasonable cause performance within the required time shall have been excused then the sum of twenty-five hundred dollars shall be retained by said parties of the second part out of funds in their hands belonging to said parties of the first part or their assigns, as well as all other payments as the same may become payable by said parties of the second part under the terms of said contract, such sums to be paid over by said parties of the second part when said sum shall have been expended as aforesaid;

Therefore this agreement witnesseth as follows:

1. The said parties of the first part covenant, promise and agree to and with said parties of the second part to expend the sum above mentioned in the town of Sault Ste Marie on or before the 31st day of December, 1895, in the erection of mills, manufactories and other similar improvements, in addition to waterworks and electic light systems.

In the event of said sum not being so expended within said specified time, unless for reasonable cause performance is excused, then the sum of twenty-five hundred dollars shall be retained by said parties of the second part out of funds in

their hands belonging to said parties of the first part, as well as all other payments as the same may become payable under the terms of said contract, such sums however to be paid over by said parties of the second part when said sums shall have been expended in improvements as aforesaid.

Witness our hands and seals.

(Sgd.) FRANCIS H. CLERGUE. [L.S.]
(Sgd.) F. V. DOUGLAS. [L.S.]

Witness,
(Sgd.) MOSES MCFADDEN.

ASSIGNMENT.

Know all men by these presents, that we, Francis H. Clergue, of the city of New York in the state of New York, one of the United States of America, mill owner, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, in consideration of the sum of one dollar of lawful money of Canada paid to us by The Tagona Water and Light Company, the recipt whereof is hereby acknowledged, do hereby sell, assign, transfer and set over unto The Tagona Water and Light Company, their successors and assigns, all our interest, rights, powers, privileges, claims and demands of every nature and kind whatsoever in, under or by virtue of two certain agreements each bearing date the third day of October, 1894, and made between The Ontario and Sault Ste. Marie Water, Light and Power Company of the first part, and the corporation of the town of Sault Ste. Marie of the second part, for the supply to the said corporation of water and electric light respectively (the rights and interest of The Ontario and Sault Ste. Marie Water, Light and Power Company under and by virtue of the said two agreements having on the said third day of October, 1894, been assigned by them to the said Francis H. Clergue and Edward V. Douglas) together with every covenant, article and thing therein contained, and all benefit and advantage to be derived therefrom, to have and to hold the same unto the said Tagona Water and Light Company, their successors and assigns, with power to take all lawful measures which the said "The Ontario and Sault Ste. Marie Water, Light and Power Company" or we ourselves might have taken for the full recovery and enjoyment of all rights and provisions mentioned in said two agreements.

And the said Tagona Water and Light Company, for themselves, their successors and assigns, hereby covenant with the said Francis H. Clergue and Edward V. Douglas that they the said Tagona Water and Light Company will duly perform all

the acts and conditions which by the terms of said agreements are required to be performed by The Ontario and Sault Ste. Marie Water, Light and Power Company.

In witness whereof the parties hereto have duly executed these presents on this 24th day of November, A.D. 1894.

Signed, sealed and delivered in the presence of
(Sgd.) Hy. C. Hamilton.

(Sgd.) Francis H. Clergue.
(Sgd.) Edward V. Douglas.
(Sgd.) Tagona Water and Light Company,
By F. H. Clergue,
President.
[Company's seal.]

This agreement made in duplicate this twenty-ninth day of December, A.D. 1894, between Edward V. Douglas of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, and Francis H. Clergue of the city of New York, in the state of New York, one of the said United States, mill owner, of the first part; the corporation of the town of Sault Ste. Marie of the second part, and The Ontario and Sault Ste. Marie Water, Light and Power Company, of the third part;

Whereas by an offer dated the first day of October, A.D. 1894, the parties of the first part did offer to purchase from the parties of the second part all the stock subscribed, purchased or otherwise acquired by the parties of the second part in The Ontario and Sault Ste. Marie Water, Light and Power Company, amounting in all to the sum of $251,000, and consisting of 12,550 shares of the capital stock of the said company, at and for the price or sum of $260,000, and subject to certain terms and conditions mentioned and referred to in said offer;

And whereas the council of the said corporation has duly accepted said offer and have agreed to sell the said stock to the parties of the first part on the terms and conditions above mentioned;

And whereas the parties of the first part, or their assigns, are, according to the terms of said offer, to cause to be given to the parties of the second part (if they so desire) upon the delivery to them of said stock, a mortgage which shall be a first charge upon the lands, assets, rights, franchises and credits of the said company, the parties hereto of the third part, to secure the due payment by the parties of the first part or their assigns of the said sum of $260,000 in the manner set forth in the said offer;

And whereas before said mortgage is to be given by the parties of the first part or their assigns the parties of the second part are, according to the terms of said offer, to procure all the lands purchased from or applied for to the Government of Ontario by the said company, and also the lands applied for by said company to the Government of Canada to be patented and granted to the said company free of all incumbrances of whatsoever nature or kind, and also to pay to the parties of the first part or their assigns, certain sums of money before the parties of the first part or their assigns shall be required to pay off and discharge the mortgages now upon said company's lands ;

And whereas the parties of the second part have not yet performed the conditions lastly above mentioned which by them are to be performed, and some time may elapse before they have fully performed the same ;

And whereas the parties of the first part are desirous of proceeding at once with the construction of their proposed works at the town of Sault Ste. Marie, and desire to have said stock purchased by them as aforesaid transferred and delivered to them forthwith in order to enable them to assume proper control of said company's assets, without waiting for the fulfilment by the parties of the second part of the terms and conditions to be by them performed as aforesaid, and also before the said mortgage to be given by the parties of the first part or their assigns as aforesaid shall be required to be given by them ;

And whereas the parties of the second part have consented to transfer and deliver said stock to the said parties of the first part upon the terms hereinafter mentioned ;

And whereas to remove any doubts as to the ability of the said parties of the first part of their assigns to give said first mortgage as security for the payment of said $260,000 as aforesaid the parties of the third part have joined in these presents for the purpose of ratifying and confirming same and of signifying their willingness to do all things necessary to be done by them to fully complete the security of said parties of the second part by way of mortgage for the payment of said sum of $260,000.

Now this agreement witnesseth that in consideration of the premises, the parties of the second part have this day assigned, transferred and delivered to the parties of the first part all of the said stock purchased by them as aforesaid, namely, $251,000 of the capital stock of the said company consisting of twelve thousand five hundred and fifty shares (the recipt whereof is hereby acknowledged by the parties of the first part).

And in consideration of the said transfer and delivery of said stock by the parties of the second part to the parties of the first part the parties of the first part for themselves and their assigns do hereby covenant to and with the parties of the second part that as soon as the parties of the second part shall

have done and performed all the acts and conditions which by terms of said offer dated first of October, 1894, the parties of the the second part are required to do in order to enable the said company to give the parties of the second part of the mortgage hereinbefore mentioned to secure the repayment of the purchase price of said stock in the manner mentioned in said offer (which mortgage if given by The Ontario and Sault Ste Marie Water, Light and Power Company either under its present name or any other name under which it may be hereafter incorporated shall be regarded and accepted by the parties of the second part as duly given by the parties of the first part or their assigns) which terms and conditions include the procuring or transferring by the parties of the second part for or to the said company of the lands purchased by them from the Government of Ontario and of the water lots applied for by said company to said Government of Ontario and of the lands to be granted to said company by the Government of Canada free of all charge to the parties of the first part or their assigns or to said company, and the same to be cleared and freed of all incumbrances whatsoever, and also when the parties of the second part shall have paid to the parties of the first part or their assigns the sum of money which by the terms of said offer dated 1st October, 1894, they are required to pay before the parties of the first part or their assigns shall be required to pay off and discharge the existing mortgages on said company's lands, and also when the nominees of the parties of the first part or their assigns for that purpose have been duly elected to the directorate of said company, then the parties of the first part or their assigns or the said company will give to the parties of the second part the mortgage upon the lands particularly mentioned and described in schedule hereto annexed, marked A, and upon the property, assets, franchises and credits mentioned in said offer and for the purpose therein mentioned, namely, to secure the due payment of the purchase price of said stock as mentioned in said offer, and the parties of the first part or their assigns will from and after the date which by the terms of this agreement they are bound to give said mortgage, assume and pay off according to the respective exigencies thereof the several debentures which by the terms of said offer dated the 1st of October, 1894, they are to pay off, and the date from which the interest payable thereon by the parties of the first part or their assigns is to be computed shall be the 24th day of November, A.D. 1894.

And it is further agreed that in all the agreements and by-laws heretofore entered into or enacted and which in any way refer to the said Francis H. Clergue and Edward V. Douglas or to the works to be constructed by them or their assigns in the town of Sault Ste Marie, any words referring to said Francis H. Clergue and Edward V. Douglas, shall in each and every case be read and construed to include the assigns of said Francis H. Clergue and Edward V. Douglas or the assigns of either of them.

And it is further understood and agreed between the parties hereto, that the word "requiring" shall be substituted for the words "laying or allowing" where the latter occur both in the fifth paragraph of the document marked A annexed to said offer, and also in the fifth paragraph of the agreement made the 3rd day of October, 1894, between the said company and the parties of the second part, the said words "laying or allowing" having by error been inserted in said documents instead of the word "requiring."

And it is further understood and agreed by and between the parties hereto that all debts and liabilities outstanding and owing by the said company on the 29th day of December, 1894, shall be paid off and discharged by the parties of the second part free of all costs and charges to the parties of the first part or their assigns whom the parties of the second part hereby covenant to indemnify and save harmless with respect thereto.

And the parties of the second part covenant and agree that if any lease be granted by The Ontario and Sault Ste. Marie Water, Light, and Power Company to the Tagona Water and Light Company at a rental which shall not be at the rate of less than $5.00 per horse power per annum, the parties of the second part shall not by virtue of their powers to be contained in the mortgage to be given to them as aforesaid in any way determine or cause to be determined the said lease to The Tagona Water and Light Company or their assigns, or any of the rights and privileges thereby demised, and that so far as the said Tagona Water and Light Company and their assigns are concerned the said parties of the second part shall in case any proceedings be taken by them under said mortgage stand in the same position as The Ontario and Sault Ste. Marie Water, Light and Power Company or their assigns would with respect to said Tagona Water and Light Company and their assigns and the said lease to them, which lease the said parties of the second part shall recognize in every respect;

Provided always said rental shall not be at the rate of less than $5.00 per horse power per annum, and that said lease shall include only the following described portion of the lands of The Ontario and Sault Ste. Marie Water, Light, and Power Company:

A tract of land one and a quarter acres more or less in extent, the south boundary being the south boundary of the lands now owned by The Ontario and Sault Ste. Marie Water, Light and Power Company, the north boundary being parallel to Portage street, and distant eight hundred and thirty-one and one-half feet south of the southerly limit of Portage street, the west boundary being distant seventeen hundred feet from the west limit of Andrew street and at right angles to said Portage street, and the east boundary distant fourteen hundred feet from the west limit of Andrew street and at right angles to said Portage street, the said west boundary being one hundred and eighty-nine feet in length, the said

north boundary being three hundred feet in length, and the said south boundary being one hundred and seventy-four and one-tenth feet in length ;

And it is understood and agreed that anything contained in the said offer dated the first day of October, 1894, which is inconsistent with or repugnant to the terms, conditions, or provisions of this agreement is hereby rescinded and shall from the execution of this agreement cease to have any effect whatever, otherwise the terms, conditions, and provisions of the said offer shall remain in full force, virtue, and effect;

And it is further understood and agreed that upon the transfer of said stock to the said parties of the first part by the said parties of the second part all the parties to the lease mentioned in said offer shall be relieved of and from any liability whatever thereunder.

It is distinctly understood by and between the parties hereto that the said mortgage so to be given by said parties of the first part is to cover the lands and premises mentioned and described in schedule hereto marked "A," and also the assets, rights, and franchises and credits of the parties hereto of the third part, its successors and assigns mentioned in said offer.

The said mortgage is to provide also for the payment of debentures and interest as herein mentioned and in such a manner as to fully indemnify and protect the said parties of the second part from the payment of said debentures and mortgages to the extent of $260,000 and interest payable half-yearly, as provided in said offer.

The said mortgage shall contain the usual statutory covenants with the power of sale in case of default.

In witness whereof the parties hereto of the first part have hereto set their hands and seals and the said corporation has hereto caused to be set the hands of its mayor and clerk and its corporate seal to be affixed, and the said company has hereto caused to be set the hands of its president and secretary and its corporate seal to be affixed.

(Sgd.) EDWARD V. DOUGLAS, [Seal.]
By FRANCIS H. CLERGUE,
His Attorney.

(Sgd.) FRANCIS H. CLERGUE. [Seal.]

(Sgd.) W. H. PLUMMER,
Mayor. [Town Seal.]

(Sgd.) ALBERT CARNEY,
Acting Clerk.

(Sgd) JAMES BASSINGTHWAIGHTE,
Clerk.

(Sgd.) R. M. VANNORMAN,
President. [Company Seal.]

(Sgd.) ALBERT CARNEY,
Secy.

Schedule A.

Referred to in the annexed agreement dated the 29th day of December A. D. 1894, and forming part thereof.

Parcel Number One.

A mill site at the town of Sault Ste. Marie, in the district of Algoma, in front of the township of Awenge as shown by the green color on a plan by Provincial Land Surveyor Isaac Traynor, dated 5th May, 1877, of record in the Department of Crown Lands, a copy of part of which plan is attached to the patent bearing date the seventh day of June, 1877, conveying the said mill site privileges, lands and premises to John Laird and Jonathan Henderson together with the right of way, one chain wide, from the said mill site to the Korah road, as shown on the said plan by the red color, together with all the privileges and appurtenances thereto belonging, excepting thereout however that portion of the said mill site which lies to the south of a straight line drawn from a point on the southerly production of the easterly limit of West street, distant one thousand one hundred and forty-nine and four-tenths feet measured southerly along said production from the southerly limit of Portage street to a point on the southerly production of the westerly limit of Andrew street, distant nine hundred and thirty-six and four-tenths feet measured southerly along said production from the said southerly limit of Portage street, the portion of said mill site hereby excepted as aforesaid containing by admeasurement two and sixty-five one-hundredths acres more or less, and being the lands to be granted to the Government of Canada in exchange for and as the consideration for the lands to be granted by the said Government of Canada to "The Ontario and Sault Ste Marie Water, Light and Power Company," which latter lands are described as parcel number five in this schedule.

Parcel Number Two.

That parcel of land situate in the town of Sault Ste Marie, in the district of Algoma conveyed to "The Ontario and Sault Ste Marie Water, Light and Power Company," by Henry Coulthard, Hamilton, by deed dated 30th June, 1890 and registered in the registry office for the district of Algoma on the 9th day of July, 1890, as number 2,188, which said parcel may be described as follows, that is to say: commencing in the southern limit of Portage street, said street being one chain wide, at its intersection with the easterly limit of Hudson street produced, thence southerly along the easterly limit of Hudson street produced to the water's edge of the St. Mary's river, thence southerly following the water's edge to the northerly limit of Laird and Henderson's mill site as patented to them by the Crown on the seventh day of June, 1877, thence

easterly along the said northern limit to the north east angle of said mill site, thence northerly and easterly following the water's edge of the St. Mary's river to its intersection with the westerly limit of Andrew street produced, thence northerly along said westerly limit to the southern limit of Portage street, said street being one chain wide, and thence westerly along said southern limit thirty two chains more or less to the point of commencement and containing by admeasurement fifteen and one-half acres more or less, excepting therefrom at the extreme northwest corner such small triangular piece (if any) as may be cut off by the Korah road, the said parcel above described being all of the reserve of land of the Hudson's Bay Company, at Sault Ste. Marie, lying southerly and westerly of Portage street aforesaid.

PARCEL NUMBER THREE.

All these parcels of land and land covered with water belonging to the Province of Ontario in the town of Sault Ste. Marie in the district of Algoma, lying between the south limit of Portage street and St. Mary's River, bounded on the west by the east limit produced southerly of West street, and on the east by lands granted by letters patent to the Hudson's Bay Company and to Messrs. Laird and Henderson, said parcel containing by admeasurement thirty-eight acres more or less, and granted by letters patent, dated 13th December, 1894, to the corporation of the town of Sault Ste. Marie.

PARCEL NUMBER FOUR.

The land and land covered with water at the foot of the rapids on St. Mary's river, in the town of Sault Ste. Marie, in the district of Algoma, as shown on plan of survey by John A. Wilde, Ontario Land Surveyor, dated "6th October, 1894" of record in the Department of Crown Lands, and which plan is approved by the Deputy Minister of Railways and Canals for the Dominion, "15th October, 1894," described as follows, that is to say: Commencing at the intersection of the southerly production of the westerly limit of Gore street with the water's edge of St. Mary's river, thence westerly and following the said water's edge of St. Mary's river to the northeast angle of the Laird and Henderson mill site (a tract of twelve acres granted by letters patent, dated the seventh day of June, in the year of our Lord, one thousand eight hundred and seventy-seven, to John Laird and Jonathan Henderson), thence southerly along the easterly limit of said mill site to a point on said limit which is distant one thousand and seven and two-tenths feet, measured southerly and at right angles from the southerly limit of Portage street, the bearing of said Portage street being south eighty degrees and twenty-seven minutes, east astronomically, thence south seventy-two degrees nine minutes and forty-nine seconds, east astronomically, one thou-

sand one hundred and twelve and one-tenth feet more or less to the intersection with the said southerly production of the westerly limit of Gore street. The last described line being the northerly limit of the water lot at the eastern entrance to the Sault Ste. Marie canal, applied for by the Government of the Dominion of Canada, according to plan and description signed by Ontario Land Surveyor Wilde, bearing date the 7th of December, 1893, thence northerly and along said southerly production of the westerly limit of Gore street to the place of beginning; reserving thereout a road for ship canal purposes as shewn on the said plan. The parcel of land and land covered with water above described containing by admeasurement twenty-seven acres, be the same more or less.

PARCEL NUMBER FIVE.

All and singular that certain parcel or tract of land and land covered by water being a portion of St. Mary's island and the adjacent waters, situate, lying and being in the town of Sault Ste. Marie, in the district of Algoma, and Province of Ontario and which may be more particularly known and described as that portion of St. Mary's Island and adjacent waters, the property of the Government of the Dominion of Canada, lying to the north of a straight line to be hereafter described, and bounded on the west by the southerly production of the easterly limit of west street, and on the east by the Laird and Henderson mill site (a tract of twelve acres granted by letters patent dated June 7th, 1877.) The above mentioned straight line is drawn from a point on the said southerly production of the easterly limit of West street, distant one thousand one hundred and forty-nine and four-tenths feet, measured southerly along said production from the southerly limit of Portage street to a point on the southerly production of the westerly limit of Andrew street, distant nine hundred and thirty-six and four-tenths feet, measured southerly along said production from the said southerly limit of Portage street. The above described parcel contains by admeasurement ten and ten one-hundredths acres, be the same more or less.

PARCEL NUMBER SIX.

All and singular that certain parcel or tract of land or land covered by water, being a portion of the lands covered by the waters of the St. Marys river, lying at the head of the rapids of said river and in front of and adjacent to the town of Sault Ste. Marie and the township of Awenge, in the district of Algoma and Province of Ontario, and which may be more particularly known and described as follows, that is to say:— Commencing at a point on the southerly production of the easterly limit of West street, in the said town of Sault Ste. Marie, said point being distant two hundred feet, measured southerly and along said production from the southerly limit of Portage street; thence south nine degrees thirty-three

minutes west astronomically and along the said southerly production of the easterly limit of West street, a distance of nine hundred and forty-nine and four-tenths feet; thence south seventy-eight degrees, no minutes west astronomically a distance of one thousand five hundred and nineteen and six-tenths feet; thence north twenty-three degrees, no minutes east astronomically a distance of one thousand and seventy-eight feet; thence north seventy-eight degrees, no minutes east astronomically one thousand two hundred and fifty feet, more or less, to the place of beginning. The above described parcel contains by admeasurement twenty-eight and nine-hundredths acres, be the same, more or less.

TRANSFER OF STOCK.

Know all men by these presents that the council of the town of Sault Ste. Marie, pursuant to the provisions of by-law numbered 327 of the said town, passed this 29th day of December, A. D. 1894, and by virtue of all other powers them thereunto enabling, do hereby assign, transfer, and set over unto Francis H. Clergue, of the city of New York, in the state of New York, one of the United States of America, mill-owner, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the said United States, capitalist, all the stock subscribed, purchased, or otherwise acquired by the corporation of the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light, and Power Company, said stock consisting of twelve thousand five hundred and fifty shares of the capital stock of said company, and being of the par value of two hundred and fifty-one thousand dollars, and being the stock referred to in the stock certificates issued by the authority of said company, numbered respectively one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two.

In witness whereof the council of the said town of Sault Ste. Marie, through the mayor of the said town, and under the corporate seal of the corporation of said town have duly executed these presents this twenty-ninth day of December, one thousand, eight hundred and ninety-four.

Signed, sealed, and delivered in the presence of

(Sgd.) N. SIMPSON.

(Sgd.) W. H. PLUMMER,
Mayor of the Town of
Sault Ste. Marie.
[Corporation seal.]

SCHEDULE B.

(Section 2.)

By-laws and Resolutions of the Town of Sault Ste. Marie.

1. By-law No. 318.—To authorize The Ontario and Sault Ste. Marie Water, Light and Power Company to construct waterworks for the municipality of the town of Sault Ste. Marie, passed by the council of the said town of Sault Ste. Marie on the 3rd day of October, 1894.

2. By-law No. 319.—To authorize The Ontario and Sault Ste. Marie Water, Light and Power Company to construct electric light works for the municipality of the town of Sault Ste. Marie passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

3. By-law No. 320.—To ratifiy and confirm a certain agreement made and entered into between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie for the construction of waterworks, passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

4. By-law No. 321.—To ratify and confirm a certain agreement made and entered into between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie for the construction of electric light, passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

5. By-law No. 322.—To exempt from municipal taxation for a period of ten years the property of The Ontario and Sault Ste. Marie Water, Light and Power Company, their successors and assigns, and the property of other persons and corporations situate on the property of the said company, their successors and assigns, passed by the council of the town of Sault Ste. Marie on the 5th day of October, 1894.

6. By-law No. 324.—To authorize the council of the town of Sault Ste. Marie to sell or dispose of the stock in The Ontario and Sault Ste. Marie Water, Light and Power Company, passed by the council of the town of Sault Ste. Marie on the 29th day of October, 1894.

7. By-law No. 327.—To provide for the transfer of stock in The Ontario and Sault Ste. Marie Water Light and Power Company, passed by the council of the town of Sault Ste. Marie on the 29th day of December, 1894.

8. Resolution passed by the municipal council of the said town of Sault Ste. Marie, on the 29th day of December, A.D. 1894, accepting the offer of Edward V. Douglas and Francis H. Clergue to purchase the stock held by the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light and Power Company.

9. Resolution of the municipal council of the town of Sault Ste. Marie, authorizing the mayor and clerk, on behalf of the corporation of the town of Sault Ste. Marie, to sign and fix the corporate seal of the said corporation to the agreement dated the 29th day of December, 1894, between Francis H. Clergue and Edward V. Douglas, of the first part, the said corporation of the second part, and The Ontario and Sault Ste. Marie Water, Light, and Power Company of the third part, respecting the transfer to the said Francis H. Clergue and Edward V. Douglas by said corporation of its stock in said company.

No. 60.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, and The Tagona Water and Light Company.

First Reading, , 1895.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 60.] **BILL.** [1895.

An Act respecting the Town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light, and Power Company, and the Tagona Water and Light Company.

Preamble.

WHEREAS The Sault Ste. Marie Water, *Gas*, and *Light* Company was incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas by an Act passed in the 52nd year of Her Majesty's reign, chaptered 88, the name of the said company was changed to The Ontario and Sault Ste. Marie Water, Light, and Power Company; and whereas by an Act passed in the 53rd year of Her Majesty's reign, chaptered 135, by-law No. 157 of the town of Sault Ste. Marie, intituled "A by-law to aid The Ontario and Sault Ste. Marie Water, Light, and Power Company, to provide for subscribing for and taking stock in said company, and to provide for the issue and sale of debentures to the extent of $105,000 to be paid for the stock so to be subscribed for and taken," was confirmed; and whereas by the said last mentioned Act provision was made for the election of directors of the said company respresenting the said town upon the board of directors of the said company; and whereas by section 23, *chapter 80, being* an Act passed in the 57th year of Her Majesty's reign, intituled *An Act to consolidate the debt of the Town of Sault Ste. Marie* the council of the said town of Sault Ste. Marie were authorized, with the consent of the ratepayers of the said town, to sell or dispose of the whole or any part of the stock held by the said corporation in the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" on such terms and conditions as might be deemed advisable by the said council; and whereas Francis H. Clergue, of the city of New York, in the state of New York, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, did by writing bearing date the first day of October, 1894, offer to purchase all the stock subscribed, purchased, or otherwise acquired by the corporation of the said town of Sault Ste. Marie in the said company, consisting of 12,550 shares in the capital stock of the said company, subject to the terms and conditions contained in said offer for the sum of $260,000, payable as mentioned therein, *the said offer being set forth in full in Schedule A hereto;* and whereas by two certain

agreements, bearing date the third of day October, 1894, the said the corporation of the town of Sault Ste. Marie agreed with the said company for the supply to the said corporation of water and electric light for the respective terms of ten years from the passing of certain by-laws mentioned in the said agreements; and whereas by the said offer, payment of the whole of the said sum of $260,000 was made conditional upon the said agreements being renewed for a further term of ten years from the expiration of the aforesaid term of ten years in order that the said company should have all the rights, powers, privileges, and franchises conferred by the said agreements for the full term of twenty years from the final passing of the said by-laws, instead of ten years as provided in the said agreements; and whereas the rights, powers, privileges, and franchises conferred upon the said company under the said two agreements for the supply of water and electric light respectively have been duly assigned and transferred to and are now held and enjoyed by the Tagona Water and Light Company, a body corporate duly incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas by by-law No. 324 of the said town, which was duly submitted to and approved by the ratepayers of the said town in accordance with said section 23 of the said Act passed in the 57th year of Her Majesty's reign, chapter 80, the council of the said town were authorized to sell and dispose of all the stock held by the said corporation in the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company;" and whereas the said offer dated the first day of October, 1894, has been duly accepted by the council of the said corporation; and whereas a certain agreement was entered into on the 29th day of December, 1894, between the said Francis H. Clergue and Edward V. Douglas of the first part, the said the corporation of the town of Sault Ste. Marie of the second part, and the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" of the third part, providing for a mortgage to be given to the said corporation to secure the due payment of a portion of the said sum of $260,000 as provided in the said offer, upon certain conditions being fulfilled by the said corporation as set forth in the said agreement dated the 29th day of December, 1894, the said agreement being fully set forth in the said schedule A hereto; and whereas by assignment dated the 29th day of December, 1894, the whole of the stock held by the said corporation in the said company as aforesaid was assigned to the said Francis H. Clergue and Edward V. Douglas; and whereas the council of the said town have by by-law No. 322 provided for the exemption from taxation for ten years of the property of the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company," and of other persons and corporations, in accordance with the terms of the said offer; and whereas a certain lease dated the 3rd day of October, 1894, from The Ontario and Sault Ste. Marie Water, Light, and Power Company to the said Francis

H. Clergue and Edward V. Douglas mentioned in the said offer has now ceased to be of any effect ; and whereas the said Francis H. Clergue and Edward V. Douglas and the corporation of the said town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light, and Power Company and the said Tagona Water and Light Company have by their petitions prayed that the said agreements, by-laws, resolutions, and proceedings herein mentioned and respecting any of the matters herein mentioned may be confirmed and declared valid and binding upon all parties thereto or interested therein, and also that an Act may be passed to carry out the intention of the said parties as set forth in the said agreement hereinbefore recited ; and whereas the said The Ontario and Sault Ste. Marie Water, Light, and Power Company has by its petition prayed that its name may be changed to that of "The Lake Superior *Power* Company," and that its capital stock may be increased from $400,000 to $1,000,000, with power to further increase the same, with the consent of the Lieutenant-Governor-in-Council, and for certain other amendments to the charter of the said company and the Acts respecting the said company ; and whereas the corporation of the said town and the Tagona Water and Light Company have by their said petitions prayed that they may be authorized to enter into an agreement for the construction by the said company of a sewerage system for the said corporation, and for the operation of the same for a term of twenty years or any shorter term upon such terms as to annual rental to be paid to the said company therefor, and upon such other terms and conditions as may be agreed upon, including the right to the said town to take over the said system at the end of the said term upon such terms for compensation therefor as may be mutually agreed upon ; and whereas it is expedient to grant the prayers of the said petitions ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Transfer of stock to Messrs. Clergue and Douglas confirmed.

1. The transfer of the stock held by the corporation of the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light and Power Company to the said Francis H. Clergue and Edward V. Douglas, as set out in the preamble to this Act, is confirmed, and it is hereby declared that on the 29th day of December, 1894, the said stock amounting to $251,000, and consisting of 12,550 shares in the capital stock of the said company was duly vested in and became the absolute property of the said Francis H. Clergue and Edward V. Douglas, subject to such calls as the said stock was liable for in the hands of the said municipal corporation.

Contracts, agreements and by-laws confirmed.

2. The said agreements between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie, dated the 3rd day of October,

1894, for the supply of water and electric light, respectively, set out in schedule A hereto are amended by striking out the word "ten" where it occurs in the said agreements and substituting therefor the word "twenty," and subject to such amendment the several by-laws heretofore passed by the corporation of the town of Sault Ste. Marie respecting the supply of water and electric light to the said municipality by the said The Ontario and Sault Ste. Marie Water, Light and Power Company and their assigns, intituled as in the schedule B hereto, and also the several contracts and agreements heretofore made and entered into between the said Francis H. Clergue and Edward V. Douglas, the corporation of the town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, and the Tagona Water and Light Company, or any of them respectively, including the agreement contained in the said offer, dated the first day of October, 1894, and the acceptance thereof by the said council, dated the 29th day of December, 1894, and the said two agreements, dated the 3rd day of October, 1894, as amended by the said agreement, dated the 29th day of December, 1894, all of which said contracts and agreements are set out in the schedule A hereto, and the several by-laws and resolutions of the council of the said town of Sault Ste. Marie intituled as in schedule B hereto, are hereby confirmed and declared to be legal *and* valid and binding on the said corporation of the town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, the Tagona Water and Light Company, and the said Francis H. Clergue and Edward V. Douglas, and the ratepayers of the said town of Sault Ste. Marie, and all other persons and corporations interested therein or affected thereby.

Rights and franchises vested in the Tagona Water and Light Company.

3. All the rights, powers, privileges and franchises conferred by the said two agreements, dated the 3rd day of October, 1894, or intended so to be by the said corporation of the town of Sault Ste. Marie upon The Ontario and Sault Ste. Marie Water, Light and Power Company are hereby declared to have been from the 24th day of November, 1894, being the date of the said assignment from the said Francis H. Clergue and Edward V. Douglas to the said Tagona Water and Light Company, and to be now vested in the said Tagona Water and Light Company as fully and effectually as if the said Tagona Water and Light Company were named in the said two agreements as parties thereto in the place and stead of the said The Ontario and Sault Ste. Marie Water, Light and Power Company, and upon and during the fulfillment by the said Tagona Water and Light Company of the terms and conditions, and the performance by the said company of the covenants according to the said two agreements on the part of the said The Ontario and Sault Ste. Marie Water, Light and Power Company to be observed, fulfilled and performed, the said Tagona Water and Light Company shall be and become absolutely entitled to

receive from the said town of Sault Ste. Marie the annual sums of $5,000 respectively, payable under the said two agreements to the said The Ontario and Sault Ste. Marie Water, Light and Power Company, and all other moneys payable thereunder, and shall be entitled to and may exercise such rights, powers, privileges and franchises.

By-laws authorizing mayor and clerk to execute instruments to carry out contracts.

4. The council of the said town of Sault Ste. Marie may, by by-law or by-laws passed from time to time, authorize the mayor and clerk of the said corporation under the corporate seal of the said town, to execute from time to time all such deeds, conveyances, leases, transfers, discharges or mortgages, partial discharges of mortgages, withdrawals of caution, partial withdrawals of caution and all other documents and agreements which may be necessary or proper to enable the corporation of the said town to carry out the terms of the agreements set out in the schedule hereto or incidental to or respecting any of the matters referred to in the said agreements.

Board of directors declared to have been duly constituted since transfer of stock.

5. All the acts done and contracts entered into by the board of directors of the said The Ontario and Sault Ste. Marie Water, Light and Power Company since the transfer of the stock held by the corporation of the town of Sault Ste. Marie as hereinbefore set forth, are hereby confirmed and declared to be legal, valid and binding upon the said company, and all other persons and corporations concerned therein or parties thereto in the same manner and to the same extent as if the said transfer of stock had not been made; and the election of a board of five directors of the said company at a meeting held at the town of Sault Ste. Marie on the 31st day of January, 1895, is hereby confirmed and declared to have been legal, valid and binding to all intents and purposes, and the said board of directors is and shall continue to be until the election of directors after the passing hereof in the manner hereinbefore provided, the duly constituted board of directors of the said company, anything contained in any of the Acts mentioned in the preamble to this Act or in any other Act to the contrary notwithstanding.

Name of Ontario and Sault Ste. Marie Water, Light and Power Co. changed.

6. The name of The Ontario and Sault Ste. Marie Water, Light and Power Company is hereby changed to and the said company shall hereafter be known and designated as "*The* Lake Superior *Power* Company," and the said company shall have perpetual succession.

Company not to be deemed a new corporation.

7. The said company, under its name as changed as aforesaid, shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the said Acts in the preamble of this Act mentioned, or otherwise, have been held, exercised and enjoyed by the company in as full and ample a manner as if the company had

continued under its original name, and the several provisions of the said Acts are hereby incorporated in and are to be considered as sections of this Act as if they had been set out at length and enacted as part thereof, subject after the passing of this Act only to the amendments in this Act contained; and all real and personal property, shares or stock, obligations, debts claims, rights, powers and privileges of the company shall, after the passing of this Act, be held by and vested in the company under the name of "*The* Lake Superior *Power* Company"; and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act, begun by or against the company, may be continued under the name or under the style of cause in which they have been begun.

Increasing capital stock.

☞ **8.**—(1) The capital stock of the said "The Lake Superior Power Company" is increased from $400,000 (composed of twenty thousand shares of $20 each) to one million dollars, divided into 10,000 shares of $100 each, and the directors of the said company may, when authorized by the shareholders thereof, by by-law duly passed at a special general meeting called for that purpose, allot such new stock in such manner as they may deem best in the interest of the company, and may call in and cancel the stock at present held by any person in the said company, and in lieu thereof make an allotment of new stock to the holder of the stock so called in and cancelled of one share of such new stock for every five shares of the stock so called in and cancelled. ☜

☞(2) Whenever a majority of the directors of the said "The Lake Superior Power Company" are of opinion that the capital stock thereof is insufficient for the purposes of the said company, and consider that it should be increased beyond the said sum of one million dollars, they may call a special general meeting of the shareholders of the said company, upon such notice as is herein provided in the case of annual general meetings of the said company, and the majority of shareholders who are present in person, or by proxy, at such special general meeting may pass a by-law for increasing the capital stock of the said company to such amount as they may deem necessary for carrying out the purposes of the company. ☜

☞(3) At any time after the passing of such by-law, the directors may petition the Lieutenant Governor that an order in council may be passed, authorizing such increase. ☜

☞(4) The Lieutenant-Governor may, by order in council, authorize such increase, and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, and thereupon from the date of the order in council, the capital stock of the company shall be increased to the amount, and in

the manner, and subject to the conditions set forth by such by-law, and the whole of the stock as so increased shall become subject to the provisions of this Act in like manner (so for as may be), as though every part thereof formed part of the capital stock of the company, from the date of the passing of this Act.

Next annual general meeting.

9. The next annual general meeting of the shareholders of the said *The Lake Superior Power* Company shall be held within one month after the passing of this Act at the town of Sault Ste. Marie and shall be called by the directors of the said company, giving at least ten days' notice of the time and place of meeting, by publication in one or more newspapers published in the said town, or by a circular mailed to the address of each shareholder at least ten days previous to the time appointed for holding the meeting.

Head office, general annual meetings.

10. The head office of the said *The Lake Superior Power Company* shall be at the town of Sault Ste. Marie, and subject to the provisions of the next preceding section, the annual *general* meeting of the shareholders in the said company shall be held at such places and on such days and at such hours as may be directed by the by-laws of the company. Notice of the time and place of holding such meetings shall be inserted not less than ten days previous thereto in a newspaper published in the town of Sault Ste. Marie, or may be given by a circular mailed to the address of each shareholder at least ten days previous to the time appointed for holding the meeting.

Special general meetings.

11. Special general meetings of the shareholders of the said *The Lake Superior Power Company* may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the case of annual *general* meetings.

Election of directors.

12.—(1) At the said first annual general meeting the shareholders of the said The Lake Superior Power Company shall elect five persons directors of the said company, provided that the shareholders of the said company may by by-law increase or decrease the number of directors, but no by-law for such purpose shall be valid or acted upon unless it is passed by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a special general meeting duly called for that purpose, nor until a copy of the by-law as passed has been certified under the seal of the company to the Provincial Secretary, and has also been published in the *Ontario Gazette*.

(2) At each annual general meeting after the said first annual general meeting the shareholders of the said company shall elect a board of directors as provided by the by-laws of the company.

Issuing bonds or debentures.

13.—(1) Notwithstanding anything contained in any general or special Act relating to the said The Lake Superior Power Company, in case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company then present in person or by proxy, at a *special* general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company and issue the bonds, debentures or other securities of the company and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or be necessary.

(2) The said The Lake Superior Power Company shall have power to issue bonds or debentures under this section to the amount of double the paid up capital of the said company, and to issue bonds or debentures beyond such amount upon obtaining the consent of the Lieutenant-Governor in Council, and no director of the company shall be liable to the creditors thereof by reason of the indebtedness of the company at any time exceeding the amount of its capital stock, notwithstanding anything contained in chapter 164 of the Revised Statutes of Ontario, 1887.

(3) The directors of the said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the purposes of the said company.

Purchasing stock on bonds in other companies.

14. The said The Lake Superior Power Company may purchase the bonds, debentures or stock of any company now or hereafter incorporated which has or may have for its object the promotion of any of the objects which the said The Lake Superior Power Company is authorized to carry out, or the bonds, debentures or stock of any company which may mainly derive its rights, privileges or franchises from the said The Lake Superior Power Company, and may loan money upon the security of such bonds, debentures or stock at such rate of interest as may be agreed upon.

Purchase or manufacture and sale of goods, etc.

15. The said The Lake Superior Power Company may, in addition to the other powers conferred by this or any other special or general Act relating to the said company, buy and sell goods, wares, merchandise, and personal property of whatsoever nature or kind, and may engage in the manufacture and sale of any kind of goods, wares, merchandise, produce and products, and may do all acts necessary for or pertaining to or incidental to such manufacture or sale.

52 V. c. 88, s. 14; 53 V. c. 135, s.s. 6-15, 17-19, 24-26; 56 V. c. 6, s. 6, and inconsistent enactments repealed.

16. Section 14 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 88, and sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 24, 25 and 26 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 135, and section 6 of the Act passed in the 56th year of Her Majesty's reign, chaptered 6, and all other sections of any Act or parts of Acts inconsistent with the provisions of this Act are repealed.

17. The incorporation of the said Tagona Water and Light Company on the 9th day of October, 1894, is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of the Act, chapter 164, of the Revised Statutes of Ontario, 1887, with power, in addition to all other powers, privileges and franchises conferred by the said Act and the amendments thereto, to supply the said town of Sault Ste. Marie, and the inhabitants thereof, with gas, electricity, or other means of lighting or heating, and with water for fire protection, street watering and domestic and commercial purposes, and all other purposes whatsoever, and also to exercise the other powers by this Act conferred upon it. Incorporation of Tagona Water and Light Company confirmed.

18. The board of directors of the Tagona Water and Light Company, as constituted from the date of the incorporation of the said company, and consisting of five persons, is declared to have been and to be the duly constituted board of directors of the said company, and the acts done and resolutions passed by the said board of directors so far as the same are not contrary to the provisions of the said Act, chapter 164, of the Revised Statutes of Ontario, 1887, or this Act, are hereby declared to be legal and valid and binding upon the said company. Board of directors of Tagona Water and Light Company.

19. Notwithstanding anything contained in the Act, chapter 164 of the Revised Statutes of Ontario, or any other Act, the said Tagona Water and Light Company may, by by-law, increase or decrease the number of directors of the said company, but no by-law for such purpose shall be valid or be acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy, at a special general meeting duly called for the purpose of considering said by-law, nor until a copy of such by-law, certified under the seal of the company, has been deposited in the office of the Provincial Secretary, and has also been published in the *Ontario Gazette*. Power to increase or decrease the number of directors.

20. The council of the said town of Sault Ste. Marie may, by by-law duly passed for that purpose, and without obtaining the assent of the ratepayers of the said town thereto, provide for entering into an agreement with the said "Tagona Water and Light Company," for the construction, maintenance and operation by the said company of a system of sewerage and drainage in and for the said municipality for the term of twenty years from the date of such agreement, or for any shorter term, and for any renewal or renewals thereof upon such terms as to rental to be paid to the said company therefor, and as to the taking over of the said system and works, by the said municipal corporation at the expiration of the term fixed by the said agreement, or by any renewal or renewals thereof, and the maintenance and operation of Agreement between the town of Sault Ste. Marie and Tagona Water and Light Company for construction of sewerage system.

the said system thereafter by the said municipal corporation, and upon such other terms and conditions as may be agreed upon, and the said company is hereby authorized and empowered to carry out the terms of such agreement, and to construct, maintain and operate such system of sewerage and drainage and to do all acts, and to enter into all contracts necessary therefor or incidental thereto, in the same manner and to the same extent as the said municipal corporation might have done under the powers conferred by *The Consolidated Municipal Act 1892* and the amendments thereto.

55 V. c. 42.

Agreements with municipalities.

21. The said Tagona Water and Light Company on the one part, and any municipal or other public corporation or body, on the other, may enter into and carry into effect any contract or agreement for *any term* not more than twenty years, for and with respect to the supply to such corporation or body, or the inhabitants or members thereof, of gas, electricity or other means of lighting and heating, or water, or water power or electric or other motive power, and any fittings required therefor.

Shareholders not liable beyond amount of their stock.

22. The shareholders of the said *The* Lake Superior *Power* Company and of the Tagona Water and Light Company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the said companies or either of them, beyond the unpaid amount of their respective shares in the apital stock thereof.

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Companies may issue preferential stock.

23.—(1) The directors of either of the said companies may pass a by-law for creating and issuing *or declaring* any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law

Powers of preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by the vote of three-fourths in value of the shareholders, present in person or by proxy at a *special* general meeting of the company, duly called for considering the same, or sanctioned in writing by *the* same proportion of the shareholders of the company.

Rights and liabilities of holders of preference stock.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act and any other Act relating to either of the said companies, and shall in all respects possess the rights and be subject to the liabilities of such shareholders,

provided, however, that in respect of dividends and otherwise, they shall as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

(5) Nothing in this section shall affect or impair the rights of creditors of either of the said companies. Rights of creditors preserved.

24. The said *The Lake Superior Power Company* may construct, *purchase*, own, lease or hire *wharves*, elevators and warehouses and all buildings and machinery necessary for the business of elevating and storing all kinds of goods, wares, merchandise, produce and products, and may purchase and sell such goods, wares, merchandise, produce and products on commission or otherwise, and may engage in the business of *wharfingers*, warehousemen and forwarders, and may issue warehouse receipts and bills of lading or other documents, and do all things necessary in connection therewith. Elevators and warehouses.

25. The said *The* Lake Superior *Power* Company and Tagona Water and Light Company, or either of them, may secure the bonds, debentures or other securities which they are respectively authorized to issue under this Act or under the said Act, chapter 164 of the Revised Statutes of Ontario *1887*, by a mortgage deed or deeds, creating such mortgages, charges and incumbrances upon the whole *or any part* of such property, assets, rents and revenues of the company, present or future or both, *which may be* described in said deed. Securing bonds by mortgage.

(*a*) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy, (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

26 It is hereby declared that the provisions of *The Ontario Joint Stock Companies' General Clauses Act*, and any Acts amending the same, have not heretofore applied and do not apply to the said "*The* Lake Superior *Power* Company" or the said Tagona Water and Light Company. Rev. Stat. c. 156, not to apply to companies.

Acquiring lands and water power by lease.

27. The said companies severally shall have power to acquire by lease lands, lands covered with water, water power, buildings and machinery, together with all the rights, powers, privileges and franchises connected or enjoyed with, or incidental thereto, and to lease the same or any part thereof, and the said companies are hereby declared to have possessed the said powers from the respective dates of their incorporation.

Making certain payments in paid up stock or bonds.

28. The directors of either of the said companies may pay or agree to pay in paid up stock or in the bonds of such company such sums as they may deem expedient to engineers or *contractors*, or for lands or lands covered with water, or for water power, plant, machinery, or any personal property required to carry out the purposes of such company, and also when sanctioned by a vote of the shareholders at any special general meeting, for the service of the promoters of the undertakings of the company, and also of other persons who may be employed by the directors in furthering the undertakings of the company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Appointing executive committee of directors.

29. The shareholders of either of the said companies may at any time pass *a* by-law authorizing *the* directors of such company at any time to appoint an executive committee composed of any two or more of their number for such *purposes*, and with such powers as may be prescribed by resolution of the directors, and all contracts and obligations entered into by the said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors.

Voting by proxy at meetings.

30. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

SCHEDULE A.

(*Section 2.*)

NEW YORK, N. Y., 1st October, 1894.

To the Corporation of the Town of Sault Ste. Marie:

We hereby offer for ourselves and assigns to purchase from you all the stock subscribed, purchased or otherwise acquired by you in The Ontario and Sault Ste. Marie Water, Light and Power Company, subject to the undermentioned conditions at

and for the price or sum of two hundred and sixty thousand dollars of lawful money of Canada, to be payable as hereinafter mentioned, namely, the moneys owing on and under the mortgage or mortgages against the lands of the said company to be paid by us direct to the respective mortgagees under said mortgages as soon as the same may become due under the terms of the said mortgages. The balance of the said purchase money is to be payable by us upon the days and times upon which and in the manner in which you are required to pay and provide for the payment of $228,000 of the debentures of the said town of Sault Ste. Marie, issued or to be issued under the authority of *The Sault Ste. Marie Debenture Act 1894*, and also the debentures issued or to be issued by you in favor of the Government of Ontario under and by virtue of the Act of the Legislature of Ontario passed in the 56th year of Her Majesty's reign and chaptered 6, which latter debentures are to be given by said town in payment of the lands of said company purchased by them from said Government of Ontario, and the principal sum payable under which is in all to amount to $25,572.50, which said consolidated debentures and debentures in favor of the said Government are from and after the date of delivery to us of your *said* stock to be assumed and paid off by us or our assigns according to the respective exigencies thereof, including the payment of all interest in full due thereunder (the first payment of interest, however, to be apportioned from the date of delivery of said stock.) The moneys already paid by you for sinking funds on account of the water power debentures, amounting to $6,362.49, are to be repaid by us to you as soon as the said mortgages shall have been paid off as aforesaid. In case the said mortgages, however, together with the sum of $253,572.50, and the sinking fund payment above mentioned, exceed the sum of $260,000.00 hereby offered for your stock as aforesaid, the excess is to be paid to us by you before we are to be bound to pay off said mortgages.

To secure the payment by us of the said debentures in the manner aforesaid, we agree to give you as soon as all of our nominees for that purpose have been duly elected to the directorate of the company, a first mortgage upon the property, assets, franchises and credits of the said company, as well as those now in existence as those to be hereafter owned by it, to be a first charge thereon, to secure payment by us or our assigns of the said debentures and interest thereon at the times, and in the manner aforesaid, or at your option give you instead of said mortgage, bonds of the said company in double the amount of said debentures to secure due payment thereof with all payments falling due thereunder as aforesaid, you to procure from the Governments of Canada and Ontario grants to the company free of all charges and of all encumbrances whatsoever of the lands and land covered with water to be granted or intended to be granted to the company by said respective Governments. The mortgage or bonds to be given by the

company as aforesaid shall not be assignable and shall each contain a statement to that effect upon the face thereof. In case you take the company's mortgage for the purpose of security as aforesaid, the company, its successors and assigns are at all times to be entitled to a release of any portion or portions of their property from said mortgage upon depositing with the accountant of the Supreme Court of Judicature for Ontario or the Trusts Corporation of Ontario as trustees for the corporation, other security of a kind which in case of disagreement shall be settled by a judge of the High Court of Justice

If our offer be accepted we agree that the company, its successors and assigns shall undertake, execute, carry out and fully perform or cause to be performed contracts with the said corporation of which the terms, covenants and conditions are respectively set forth in the documents hereto annexed and marked A and B, and we will further agree and do hereby covenant and agree in case this offer be accepted within the time limited therefor that before the 31st day of December, A.D. 1895, we will for and on behalf of said company, its successors and assigns, expend at least two hundred thousand dollars in the erection of mills, manufactories, and other permanent improvements in the town of Sault Ste. Marie (in addition to the waterworks and electric light systems to be constructed by the company, it successors and assigns, according to the terms of the said documents A and B), and will before the 31st day of December, A.D. 1897, expend for and on behalf of said company, its successors and assigns, in the erection of mills, manufactories and other permanent improvements in said town, at least five hundred thousand dollars, inclusive of the said sum of $200,000, to be expended in the first of said three years. Mills, manufactories and the other improvements above named which may be erected or made in said town by any companies which may be incorporated by or through us to be taken as part of the improvements to be made by us as aforesaid.

This offer is made upon the express condition that the said company, their successors and assigns, are to have for the period of ten years from the time of passing such by-law as may be necessary for that purpose exemption from taxation in said town of all their plant and works and the lands on which the same are situate or used in connection therewith, said plant and works including the said waterworks and electric light systems wherever situate in said town, and also that all mills, manufactories and other similar improvements erected or made upon the property of said company, their successors or assigns, shall during the same period of time be likewise exempt from taxation in said town, whether the same shall be erected or owned by the said company, their successors or assigns, or by any other company, person, or firm or persons, it being the intention of this offer that all mills, manufactories and other

improvements by whomsoever made, to be erected or made upon the property of said company, their successors or assigns, shall be exempt from taxation as aforesaid, (buildings, however, which are used as dwellings or for the sale of merchandise to be liable to taxation while so used or intended to be so used).

And this offer is made subject to the further express condition that as soon as this offer is accepted and before any money is to be paid by us as aforesaid, each and all of the then directors of the company shall for the purpose of electing our several nominees therefor to the directorate of said company, in all respects obey our requests and directions as to the time and manner of the resignation of each of them from said directorate, each of said directors to resign therefrom at such time and in such manner as we may request him to do , and to assist in procuring the election to said directorate of all our nominees therefor as soon as requested by us to do so, and in the manner to be prescribed by us

The council of your town for the time being are to procure the passage at as early a date as may be convenient therefor of all by-laws necessary for the carrying into effect of the contracts and agreements herein referred to, and said contracts are to be executed by the corporation at the same time as they are executed by the company.

It is our desire, intention and expectation in making this offer that the company and its assigns shall have granted to it by the corporation at the expiration of the term of ten years mentioned in said documents A and B as the time during which the rights and franchises therein set forth shall be held, owned and enjoyed by the company, the same rights and franchises to be held, owned and enjoyed by the company, its successors and assigns for the further period of ten years from the expiration of the said first period of ten years, and that on or before the expiration of the said first period of ten years, agreements shall be executed by the corporation, conferring upon the company, its successors and assigns, the same rights and franchises for the next ensuing ten years as it is to hold and enjoy for the said first period of ten years as provided in said documents A and B, and it is therefore expressly provided that if at the expiration of the said period of ten years, during which the said company and its assigns are to have the rights and franchises mentioned and set forth in said documents A and B, the said corporation do after being requested in writing so to do, enter into and execute with the company, their successors and assigns, agreements conferring upon the company, their successors and assigns, the same exclusive rights and franchises for the ten years then next ensuing as are mentioned and set forth in said documents A and B, and containing similar terms, covenants and conditions to those set forth in said documents A and B so that the company, its successors and assigns would then in all, including the said first period of ten years, have for

twenty successive years exclusively the rights and franchises mentioned and set forth in the said documents A and B, then, notwithstanding anything to the contrary hereinbefore mentioned, we, our heirs and assigns and the said company, its successors and assigns, are thereupon to be released and will be thereby released from paying in any manner whatsoever one hundred and fifty thousand dollars of said purchase money for your said stock either to you direct or by paying your debentures as aforesaid, the debentures to the extent of said sums of $150,000, which in such case are not to be paid to be designated by the company, its successors and assigns. And this offer is made on the further condition that the council of the said corporation for the time being shall, when requested by the company or their assigns so to do, consent to and by resolutions or otherwise as may be deemed advisable by the company or their assigns, assist the company or their assigns in procuring legislation from the Government of Ontario, authorizing the said company and their assigns and corporation to enter into agreements with each other upon terms similar to those mentioned and set forth in said documents A and B for the term of twenty years from the final passing of the by-law therein mentioned, instead of ten years as therein mentioned, and that upon such legislation being obtained the said corporation will upon the request of the company or their assigns enter into with the company and their assigns the agreements which by such legislation they are authorized to enter into, and the corporation will also upon the request of the company or their assigns by resolution or otherwise as may be deemed advisable by the company or their assigns assist the company and their assigns to procure such other legislation as the company or their assigns may deem desirable or necessary in order to fully and effectually carry out the intention and purposes of and to make in all respects valid the agreements between the corporation and the company, their successors and assigns.

It is also to be understood and agreed by the acceptance of this offer that if at the expiration of the term of twenty years above mentioned, or of any subsequent term of twenty years the corporation or its successors or assigns agreements similar in terms to those to be entered into for first period of ten years as hereinbefore mentioned and securing to them the same rights and franchises as are therein mentioned to be held, owned and enjoyed by them for the further term of ten years (and in case they are empowered so to do the further term to be twenty years), or in case the corporation shall not grant such renewal to the company, its successors and assigns at the expiration of the period of ten years firstly above mentioned or of any other term during which the company, its successors and assigns may enjoy the rights and franchises mentioned in said documents A and B, then and in either of such cases the corporation or its successors shall, upon the request of the company, its successors or assigns, purchase from the company,

its successors or assigns the water works and electric light systems which the company, its successors or assigns shall then own in the said town, to be paid for at a valuation to be arrived at in the manner provided by sections 98 and 99 of chapter 164 of the Revised Statutes of Ontario, 1887, for matters to which those sections refer.

We also agree that after the corporation shall have purchased and paid for the whole water works and electric light systems as above provided the said corporation shall at all times thereafter have the right to be supplied by the company, its successors and assigns with water power sufficient to run said systems for the purposes only of the corporation including domestic service upon such terms as to compensation therefor as in case of disagreement may be settled by arbitration. Each party in case of an arbitration is to appoint an arbitrator in writing and the said two arbitrators are to appoint a third, and the award in writing of a majority of said arbitrators shall be binding and final, and in case either party after seven days' written notice by the other to appoint an arbitrator shall neglect or decline to do so, then a judge of the district of Algoma may appoint an arbitrator for the party in default. In determining the compensation to be paid for said water power by the corporation the arbitrators shall take into consideration and give effect to the value of the water power and electric light systems which the corporation shall take over from the company, its successors or assigns and the income derived therefrom.

This offer is made upon the further condition that before the fourth day of October, 1894, the said company shall duly execute the lease hereto annexed and procure the fulfillment of the conditions mentioned in paragraph 1 thereof and that you will also at as early a date as may be convenient therefor pass a by-law providing for the exemption from taxation therein referred to.

This offer is to remain open for acceptance for forty days from the date thereof.

Witness: }
(Sgd.) N. SIMPSON. }

(Sgd.) FRANCIS H. CLERGUE. [Seal].
(Sgd.) E. V. DOUGLAS. [Seal].

NOTE: The documents "A" and "B," and the lease mentioned in the above offer as annexed thereto and which formed part thereof are not printed, as two agreements containing respectively the same terms as those contained in said documents. "A" and "B" were duly executed as provided by said offer, which agreements are next hereafter printed in full, and the said lease was determined on the 29th day of December, 1894, upon the transfer of the above mentioned stock to Francis H. Clergue and Edward V. Douglas.

This agreement made in duplicate this third day of October, in the year of our Lord one thousand eight hundred and ninety-four, between The Ontario and Sault Ste Marie Water, Light and Power Company, hereinafter called the company, of the first part, and the corporation of the Town of Sault Ste Marie, hereinafter called the corporation, of the second part.

Whereas the said corporation has passed a by-law authorizing the said company, its successors and assigns to construct waterworks and to supply water to the said corporation for fire, domestic and other purposes;

And whereas the said company for itself, its sūccessors and assigns has agreed to construct waterworks and supply said corporation with water for fire, domestic and other purposes

Now this indenture witnesseth, that the said company, the parties hereto of the first part, for the consideration hereinafter mentioned, on behalf of themselves, their successors and assigns, covenant with the said corporation, the parties hereto of the second part, and their successors, to lay down four miles of piping on such streets, alleys, lanes, squares or public places of the corporation of the town of Sault Ste Marie as the council of the said corporation may direct, of sufficient strength and capacity to ensure a pressure of eighty pounds to the square inch and a supply of one hundred and sixty cubic feet of water per minute at the hydrants on Queen street and the area south of Queen street to the St. Mary River in said town, said piping to be laid down upon such streets as may be designated for that purpose by resolution of the council of the said corporation; provided always that no such resolution shall increase the mileage of piping herein contracted for except where an extension is required under the terms of this agreement upon a profit of ten per cent. of the cost of such extension being shown as hereinafter provided, the upper surface of the pipes to be laid not less than five feet beneath the surface of the ground.

2. That the said company or their assigns shall fill up all excavations made in laying down the pipes as expeditiously as possible, care to be taken as far as may be practicable to preserve a free and uninterrupted passage through the said streets while the works are in progress, and the said streets in which excavations are made are to be repaired and left in as good a condition as they were in before the excavation, said repairs to be made within a reasonable time.

3. That the said company or their assigns shall commence the construction of the said works on or before the 15th day of October, A.D 1894, and complete the construction thereof on or before the 1st day of October, A.D. 1895.

4. That the said company, their successors or assigns, shall not charge more than the rates mentioned in the schedule hereto annexed.

5. That the said company, their successors or assigns, shall extend the pipes upon any street or streets (whether pipes shall have been previously laid thereon or not) when desired

so to do by the resolution of the council of the said corporation, when a profit of ten per cent. on cost of extension can be shown, provided, however, that the council of the said corporation shall before laying or allowing any pipe or pipes for water service to be laid down on any of the streets of the town serve the company with one month's notice in writing, setting forth the extension desired, provided always that the company shall not be required to extend their system except between the fifteenth day of May and the first day of November in each year.

6. That the said company, their successors or assigns, shall during the term of ten years hereinafter mentioned, furnish the said corporation free of charge with sufficient water to supply two drinking fountains during the summer months, said fountains to be located anywhere within the said town the council of the said corporation may direct, the cost of connecting main pipe of company with the said fountain taps to be borne by said corporation. The said company, their successors and assigns, shall also furnish the said corporation free of charge during the whole of said term of ten years with sufficient water to sprinkle the streets and flush the sewers of the said corporation, and shall also supply the public buildings and schools of the said corporation with water free of charge, the cost of connecting the main pipe of the company, their successors or assigns, with the taps in said buildings and schools to be borne by said corporation, and sewers to be flushed by a method to be approved by, and under the supervision and control of, the company's engineer.

7. That the said company, their successors or assigns, will supply and lay down at net actual cost of material and labor the pipes for all water takers requiring water, pipes connecting with their main pipes.

8. That the said company, their successors or assigns, shall, in case any damage or loss shall at any time happen or be caused through the negligence or gross neglect of the said company, their successors or assigns, or any of its or their workmen or employees, whether such loss or damage happened to or be suffered by the corporation or any other person or persons, be liable to pay on demand all such damage as may happen or be suffered as aforesaid.

9. And it is hereby provided that the said company, their successors and assigns, shall supply consumers in the said corporation whose properties are within a reasonable distance of the mains or pipes of the said company, their successors and assigns, with water taken from the St Mary river above the rapids, and that such water shall always be subject to inspection by the council of the said corporation or the board of health for said corporation.

10. The said company, their successors and assigns, shall be liable for damages for the breach of any of the provisions of this agreement.

11. The said company, for itself, its successors and assigns, hereby binds itself to pay the said corporation the sum of

fifty dollars per day for each and every day which may ensue or elapse after the first day of October, A.D. 1895, on which any part of the said works may be unfinished or incomplete, and which may be recovered as liquidated or ascertained damages against the said company, its successors and assigns, on demand.

12. The said company, for itself, its successors and assigns, covenants and agrees that for and during the term of ten years from the final passing of the by-law hereinbefore mentioned, they will maintain their system of water works in good and efficient order, and will supply water to the said corporation, and to all persons therein desiring same, at all times, the rates to be charged therefor not to exceed those mentioned in the schedule hereto attached.

13. In consideration whereof the said corporation hereby covenants and agrees to confer exclusively upon the said company, its successors and assigns, without further compensation therefor, all the powers, privileges and immunities necessary to acquire lands and water and water privileges necessary for the construction, establishment, maintenance and management of the said company's waterworks, and also to confer upon said company, its successors and assigns, the exclusive right to lay down pipes and conduits and to carry the same along, across, through and under any of the streets, alleys, lanes or squares, or public places of the said corporation, and to exercise within the said corporation all the powers and privileges which may be conferred upon gas and water companies under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887, and the Acts of the Legislature of the Province of Ontario, respecting the said company, the parties hereto of the first part.

14. And the said corporation hereby covenants to pay the said company, its successors and assigns, the sum of fifty dollars per annum each for one hundred hydrants, and the sum of fifty dollars per annum for each additional hydrant the said corporation may require, payable quarterly, for the term of ten years from the final passing of the by-law hereinbefore mentioned, the said quarterly payments to be calculated from the time the hydrants are ready for use.

In witness whereof the corporation of the said town by its mayor and clerk and the said company by its president and secretary have executed these presents and have respectively attached their corporate seals.

(Sgd.) R. M. VanNorman,
President.

(Sgd.) R. H. Carney,
Acting Secretary. [Company's Seal.]

(Sgd.) James Bassingthwaighte,
Secretary.

(Sgd.) W. H. Plummer,
Mayor.

(Sgd.) R. H. Carney,
Acting Clerk. [Town Seal.]

(Sgd.) James Bassingthwaighte,
Clerk.

SCHEDULE OF WATER RATES REFERRED TO IN THE ANNEXED AGREEMENT.

			Consolidated rate.
Dwellings of 1 room	$ 5 00	per year	.....
" 2 "	6 00	"	.....
" 3 "	8 00	"	.....
" 4 "	10 00	"	.....
" 5 "	10 00	"	$16 00
" 6 "	13 00	"	20 00
" 7 "	16 00	"	24 00
" 8 "	20 00	"	28 00
" 9 "	22 00	"	31 00
" 10 "	24 00	"	35 00
" 11 "	26 00	"	38 00
" 12 "	29 00	"	41 00
" 13 "	31 00	"	44 00
" 14 "	34 00	"	47 00
" 15 "	36 00	"	49 00
" 16 "	39 00	"	51 00
For each room over 16.....	2 00	"	2 00

The consolidated rate includes one water-closet, one bath, and one wash-basin, with tap and sink.

Extras, if consolidated rate is not paid: Baths, each, $5.00; water-closets, each, $6.00; wash-basins, each, $4.00; said baths, water-closets and wash-basins being only those in dwellings.

Other rates to be by special contract.

(Sgd.) W. H. PLUMMER,
Mayor.

(Sgd.) R. H. CARNEY,
Acting Clerk.

(Sgd.) JAMES BASSINGTHWAIGHTE,
Clerk.

(Sgd.) R. M. VANNORMAN,
President.

This agreement, made in duplicate this third day of October in the year of our Lord one thousand eight hundred and ninety-four, between The Ontario and Sault Ste. Marie Water, Light and Power Company, hereinafter called the company, of the first part, and The corporation of the Town of Sault Ste. Marie, hereinafter called the corporation, of the second part.

Whereas, the said corporation has passed a by-law authorizing the said company its successors and assigns to construct electric light works for the purpose of lighting the streets and other public places of the town of Sault Ste. Marie and supplying the said town with electric light;

And whereas the said company for itself, its successors and assigns has agreed to construct said electric light works for the purpose aforesaid.

Now this indenture witnesseth that the said company the parties hereto of the first part for the consideration hereinafter mentioned for itself, its successors and assigns, covenants with the corporation the party hereto of the second part and its successors to furnish and supply to the said corporation and its successors, fifty arc lights and one hundred and fifty incandescent electric lights or more as may be required by the said corporation for street lighting purposes and for the lighting of public parks, buildings, squares and other public places in the said town of Sault Ste. Marie, for and during the term of ten years from the final passing of the by-law hereinbefore mentioned, upon the terms and conditions hereinafter mentioned, as follows:

1. That the electric light and other apparatus so to be supplied by the said company, its successors and assigns shall be of the best quality and that the said company its successors and assigns shall and will on each and every night for and during the said term of ten years cause the said electric lights to be lighted and kept burning every night from the time it becomes dark until daylight of the following morning.

2. The said company its successors and assigns is to erect poles, string wires and conductors and maintain in good efficient order said poles, wires and conductors, and said arc lights are to be of not less than one thousand candle power each, and the said incandescent lights are to be of not less than thirty candle power each.

3. The said company its successors and assigns shall place the said electric lights at such points or places along the streets, lanes or highways of the said corporation as the council of the said corporation may direct, and when and where the said council shall require the same.

4. The said company its successors and assigns shall fill up as expeditiously as possible all excavations made on the streets for the erection of poles, care being taken as far as may be possible to preserve a free and uninterrupted passage through the said streets while the works are in progress and the streets in which excavations are made are to be repaired and left in as good a condition as they were in before the excavation, said repairs to be made within a reasonable time.

5. The said company its successors and assigns is to have the said electric light system completed and to furnish said lights on or before the first day of July, A.D. 1895.

6. The said company its successors and assigns shall be liable for damages for breach of any of the provisions of this agreement, but in case of a default in respect of lights the amount of damages is to be estimated by adopting as the value of each arc light seventy dollars per annum and of each incandescent light ten dollars per annum.

7. The said company, its successors and assigns, shall pay the said corporation a penalty of fifty dollars per day for each and every day which may ensue or elapse after the said first day of July, A.D. 1895, during or on which any part of the

said works may be unfinished or incomplete, which may be recovered from the said company, its successors or assigns as liquidated or ascertained damages on demand, and in case any damage or loss shall at any time happen or be caused through or by the negligence or gross neglect of the company, its successors or assigns, or any of its or their workmen or employees, the said company, its successors or assigns shall be liable to pay on demand all such damages as may happen as aforesaid.

8. In consideration whereof the said corporation hereby covenants and agrees to confer exclusively upon the said company, its successors and assigns all the powers, privileges and immunities necessary to acquire lands, water power and water privileges as provided by chapters 164 and 165 of the Revised Statutes of Ontario, 1887, and *The Consolidated Municipal Act 1892*, and the amendments thereto, and also as therein provided for the purposes hereinbefore mentioned to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light and also to confer upon said company, its successors and assigns the exclusive right to erect poles, string wires and conductors, and to carry the same along, across, through or over and under any of the streets, lanes, alleys, squares or public places of the corporation of the town of Sault St. Marie and to exercise within the corporation all the powers and privileges conferred upon gas and water companies by the said Acts of the Legislature of Ontario.

9. And the said corporation on behalf of itself and its successors hereby covenants and agrees to take fifty arc lights of one thousand candle power, and one hundred and fifty incandescent electric lights of thirty candle power each from the said company, its successors and assigns for the term of ten years from the final passing of said by-law and to pay therefor quarterly the sum of five thousand dollars per annum during said term, and in case more than the said number of lights is rquired by said corporation the further sum of seventy dollars per annum for each arc light and ten dollars per annum for each incandescent light, payable quarterly, and it is expressly understood and agreed that the said lights are to be kept lighted from dark to daylight of the following morning on each and every day during the said term, and the time for which the said lights are to be paid is to commence when the said lights are ready for use.

(Sgd.) W. H. PLUMMER, [Town seal.]
Mayor.
(Sgd.) R. H. CARNEY,
Acting Clerk.
(Sgd.) JAS. BASSINGTHWAIGHTE,
Clerk.
(Sgd.) R. M. VANNORMAN,
President.
(Sgd.) JAMES BASSINGTHWAIGHTE, [Company's
Secretary. seal.]

ASSIGNMENT.

Know all men by these presents, that The Ontario and Sault Ste. Marie Water, Light and Power Company, named in the agreements hereto annexed, in consideration of the sum of one dollar paid to them by Francis H. Clergue, of the city of New York, mill owner, and E. V. Douglas, of the city of Philadelphia, capitalist, the receipt whereof is hereby acknowledged, doth hereby sell, assign and transfer to the said Francis H. Clergue and E. V. Douglas and their assigns all their interest, right, claim and demand of every nature and kind whatsoever in the annexed instruments, being agreements between the said company and the corporation of the town of Sault Ste. Marie for the supply to said corporation of water and electric light, and also every covenant, article and thing therein contained to have and to hold the same unto the said Francis H. Clergue and E. V. Douglas, their executors, administrators and assigns with power to take all lawful measures which the said company might have taken for the full recovery and enjoyment of all rights and provisions mentioned in said agreements.

And the said Francis H. Clergue and E. V. Douglas, for themselves and their assigns, do hereby covenant with said company that they will duly perform all the acts and conditions which by the terms of said agreements the said company are required to do.

In witness whereof the parties hereto have duly executed these presents.

(Sgd.) R. M. VANNORMAN, President. [Company's seal.]

(Sgd.) R. H. CARNEY, Acting Secretary.

(Sgd.) JAMES BASSINGTHWAIGHTE, Secretary.

(Sgd.) FRANCIS H. CLERGUE. [Seal.]

(Sgd.) E. V. DOUGLAS. [Seal.]

Signed, sealed and delivered in the presence of (Sgd.) N. SIMPSON.

This agreement, made in duplicate this third day of October, A.D. 1894, between Francis H. Clergue, of the city of New York, in the state of New York, one of the United States of America, mill owner, and E. V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, of the first part, and the corporation of the town of Sault Ste. Marie, in the district of Algoma and Province of Ontario, of the second part;

Whereas certain negotiations have been pending between the parties of the first and second parts, the partial results of which is that said parties of the first part have become the assignees of certain electric light and waterworks contracts for supplying said parties of the second part with light and water;

And whereas one of the considerations for such light and waterworks contracts is the covenant of said parties of the first part contained in a certain offer or proposal made by said parties of the first part to said parties of the second part and dated the first day of October, 1894, to expend within the town of Sault Ste. Marie at least two hundred thousand dollars ($200,000) in the erection of mills, manufactories and other similar improvements in addition to waterworks and electric light systems before the 31st day of December, 1895, and further sums as in said offer or covenants set out;

And whereas in order to more effectually secure the performance of said covenant to expend said money as aforesaid within time limited and in manner specified, the said parties of the first part have agreed that in the event of the said two hundred thousand dollars in improvements not being expended on or before said 31st of December, 1895, unless for reasonable cause performance within the required time shall have been excused then the sum of twenty-five hundred dollars shall be retained by said parties of the second part out of funds in their hands belonging to said parties of the first part or their assigns, as well as all other payments as the same may become payable by said parties of the second part under the terms of said contract, such sums to be paid over by said parties of the second part when said sum shall have been expended as aforesaid;

Therefore this agreement witnesseth as follows:

1. The said parties of the first part covenant, promise and agree to and with said parties of the second part to expend the sum above mentioned in the town of Sault Ste Marie on or before the 31st day of December, 1895, in the erection of mills, manufactories and other similar improvements, in addition to waterworks and electric light systems.

In the event of said sum not being so expended within said specified time, unless for reasonable cause performance is excused, then the sum of twenty-five hundred dollars shall be retained by said parties of the second part out of funds in

their hands belonging to said parties of the first part, as well as all other payments as the same may become payable under the terms of said contract, such sums however to be paid over by said parties of the second part when said sums shall have been expended in improvements as aforesaid.

Witness our hands and seals.

(Sgd.) FRANCIS H. CLERGUE. [L.S.]
(Sgd.) E. V. DOUGLAS. [L.S.]

Witness:
(Sgd.) MOSES MCFADDEN.

ASSIGNMENT.

Know all men by these presents, that we, Francis H. Clergue, of the city of New York in the state of New York, one of the United States of America, mill owner, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, in consideration of the sum of one dollar of lawful money of Canada paid to us by the Tagona Water and Light Company, the recipt whereof is hereby acknowledged, do hereby sell, assign, transfer and set over unto the Tagona Water and Light Company, their successors and assigns, all our interest, rights, powers, privileges, claims and demands of every nature and kind whatsoever in, under or by virtue of two certain agreements each bearing date the third day of October, 1894, and made between The Ontario and Sault Ste. Marie Water, Light and Power Company of the first part, and the corporation of the town of Sault Ste. Marie of the second part, for the supply to the said corporation of water and electric light respectively (the rights and interest of The Ontario and Sault Ste. Marie Water, Light and Power Company under and by virtue of the said two agreements having on the said third day of October, 1894, been assigned by them to the said Francis H. Clergue and Edward V. Douglas) together with every covenant, article and thing therein contained, and all benefit and advantage to be derived therefrom, to have and to hold the same unto the said Tagona Water and Light Company, their successors and assigns, with power to take all lawful measures which the said "The Ontario and Sault Ste. Marie Water, Light and Power Company" or we ourselves might have taken for the full recovery and enjoyment of all rights and provisions mentioned in said two agreements.

And the said Tagona Water and Light Company, for themselves, their successors and assigns, hereby covenant with the said Francis H. Clergue and Edward V. Douglas that they the said Tagona Water and Light Company will duly perform all

the acts and conditions which by the terms of said agreements are required to be performed by The Ontario and Sault Ste. Marie Water, Light and Power Company.

In witness whereof the parties hereto have duly executed these presents on this 24th day of November, A.D. 1894.

Signed, sealed and delivered in the presence of (Sgd.) Hy. C. Hamilton.

(Sgd.) Francis H. Clergue.
(Sgd.) Edward V. Douglas.
(Sgd.) Tagona Water and Light Company,
By F. H. Clergue,
President.
[Company's seal.]

This agreement made in duplicate this twenty-ninth day of December A.D. 1894, between Edward V. Douglas of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, and Francis H. Clergue of the city of New York, in the state of New York, one of the said United States, mill owner, of the first part; the corporation of the town of Sault Ste. Marie of the second part, and The Ontario and Sault Ste. Marie Water, Light and Power Company, of the third part;

Whereas by an offer dated the first day of October, A.D. 1894, the parties of the first part did offer to purchase from the parties of the second part all the stock subscribed, purchased or otherwise acquired by the parties of the second part in The Ontario and Sault Ste. Marie Water, Light and Power Company, amounting in all to the sum of $251,000, and consisting of 12,550 shares of the capital stock of the said company, at and for the price or sum of $260,000, and subject to certain terms and conditions mentioned and referred to in said offer;

And whereas the council of the said corporation has duly accepted said offer and have agreed to sell the said stock to the parties of the first part on the terms and conditions above mentioned;

And whereas the parties of the first part, or their assigns, are, according to the terms of said offer, to cause to be given to the parties of the second part (if they so desire) upon the delivery to them of said stock, a mortgage which shall be a first charge upon the lands, assets, rights, franchises and credits of the said company, the parties hereto of the third part, to secure the due payment by the parties of the first part or their assigns of the said sum of $260,000 in the manner set forth in the said offer;

And whereas before said mortgage is to be given by the parties of the first part or their assigns the parties of the second part are, according to the terms of said offer, to procure all the lands purchased from or applied for to the Government of Ontario by the said company, and also the lands applied for by said company to the Government of Canada to be patented and granted to the said company free of all incumbrances of whatsoever nature or kind, and also to pay to the parties of the first part or their assigns, certain sums of money before the parties of the first part or their assigns shall be required to pay off and discharge the mortgages now upon said company's lands ;

And whereas the parties of the second part have not yet performed the conditions lastly above mentioned which by them are to be performed, and some time may elapse before they have fully performed the same ;

And whereas the parties of the first part are desirous of proceeding at once with the construction of their proposed works at the town of Sault Ste. Marie, and desire to have said stock purchased by them as aforesaid transferred and delivered to them forthwith in order to enable them to assume proper control of said company's assets, without waiting for the fulfilment by the parties of the second part of the terms and conditions to be by them performed as aforesaid, and also before the said mortgage to be given by the parties of the first part or their assigns as aforesaid shall be required to be given by them ;

And whereas the parties of the second part have consented to transfer and deliver said stock to the said parties of the first part upon the terms hereinafter mentioned ;

And whereas to remove any doubts as to the ability of the said parties of the first part or their assigns to give said first mortgage as security for the payment of said $260,000 as aforesaid the parties of the third part have joined in these presents for the purpose of ratifying and confirming same and of signifying their willingness to do all things necessary to be done by them to fully complete the security of said parties of the second part by way of mortgage for the payment of said sum of $260,000.

Now this agreement witnesseth that in consideration of the premises, the parties of the second part have this day assigned, transferred and delivered to the parties of the first part all of the said stock purchased by them as aforesaid, namely, $251,000 of the capital stock of the said company consisting of twelve thousand five hundred and fifty shares (the recipt whereof is hereby acknowledged by the parties of the first part).

And in consideration of the said transfer and delivery of said stock by the parties of the second part to the parties of the first part the parties of the first part for themselves and their assigns do hereby covenant to and with the parties of the second part that as soon as the parties of the second part shall

have done and performed all the acts and conditions which by terms of said offer dated first of October, 1894, the parties of the the second part are required to do in order to enable the said company to give the parties of the second part the mortgage hereinbefore mentioned to secure the repayment of the purchase price of said stock in the manner mentioned in said offer (which mortgage if given by The Ontario and Sault Ste Marie Water, Light and Power Company either under its present name or any other name under which it may be hereafter incorporated shall be regarded and accepted by the parties of the second part as duly given by the parties of the first part or their assigns) which terms and conditions include the procuring or transferring by the parties of the second part for or to the said company of the lands purchased by them from the Government of Ontario and of the water lots applied for by said company to said Government of Ontario and of the lands to be granted to said company by the Government of Canada free of all charge to the parties of the first part or their assigns or to said company, and the same to be cleared and freed of all incumbrances whatsoever, and also when the parties of the second part shall have paid to the parties of the first part or their assigns the sum of money which by the terms of said offer dated 1st October, 1894, they are required to pay before the parties of the first part or their assigns shall be required to pay off and discharge the existing mortgages on said company's lands, and also when the nominees of the parties of the first part or their assigns for that purpose have been duly elected to the directorate of said company, then the parties of the first part or their assigns or the said company will give to the parties of the second part the mortgage upon the lands particularly mentioned and described in schedule hereto annexed, marked A, and upon the property, assets, franchises and credits mentioned in said offer and for the purpose therein mentioned, namely, to secure the due payment of the purchase price of said stock as mentioned in said offer, and the parties of the first part or their assigns will from and after the date which by the terms of this agreement they are bound to give said mortgage, assume and pay off according to the respective exigencies thereof the several debentures which by the terms of said offer dated the 1st of October, 1894, they are to pay off, and the date from which the interest payable thereon by the parties of the first part or their assigns is to be computed shall be the 24th day of November, A.D. 1894.

And it is further agreed that in all the agreements and by-laws heretofore entered into or enacted and which in any way refer to the said Francis H. Clergue and Edward V. Douglas or to the works to be constructed by them or their assigns in the town of Sault Ste Marie, any words referring to said Francis H. Clergue and Edward V. Douglas, shall in each and every case be read and construed to include the assigns of said Francis H. Clergue and Edward V. Douglas or the assigns of either of them.

And it is further understood and agreed between the parties hereto, that the word "requiring" shall be substituted for the words "laying or allowing" where the latter occur both in the fifth paragraph of the document marked A annexed to said offer, and also in the fifth paragraph of the agreement made the 3rd day of October, 1894, between the said company and the parties of the second part, the said words "laying or allowing" having by error been inserted in said documents instead of the word "requiring."

And it is further understood and agreed by and between the parties hereto that all debts and liabilities outstanding and owing by the said company on the 29th day of December, 1894, shall be paid off and discharged by the parties of the second part free of all costs and charges to the parties of the first part or their assigns whom the parties of the second part hereby covenant to indemnify and save harmless with respect thereto.

And the parties of the second part covenant and agree that if any lease be granted by The Ontario and Sault Ste. Marie Water, Light, and Power Company to the Tagona Water and Light Company at a rental which shall not be at the rate of less than $5.00 per horse power per annum, the parties of the second part shall not by virtue of their powers to be contained in the mortgage to be given to them as aforesaid in any way determine or cause to be determined the said lease to the Tagona Water and Light Company or their assigns, or any of the rights and privileges thereby demised, and that so far as the said Tagona Water and Light Company and their assigns are concerned the said parties of the second part shall in case any proceedings be taken by them under said mortgage stand in the same position as The Ontario and Sault Ste. Marie Water, Light and Power Company or their assigns would with respect to said Tagona Water and Light Company and their assigns and the said lease to them, which lease the said parties of the second part shall recognize in every respect;

Provided always said rental shall not be at the rate of less than $5.00 per horse power per annum, and that said lease shall include only the following described portion of the lands of The Ontario and Sault Ste. Marie Water, Light, and Power Company:

A tract of land one and a quarter acres more or less in extent, the south boundary being the south boundary of the lands now owned by The Ontario and Sault Ste. Marie Water, Light and Power Company, the north boundary being parallel to Portage street, and distant eight hundred and thirty-one and one-half feet south of the southerly limit of Portage street, the west boundary being distant seventeen hundred feet from the west limit of Andrew street and at right angles to said Portage street, and the east boundary distant fourteen hundred feet from the west limit of Andrew street and at right angles to said Portage street, the said west boundary being one hundred and eighty-nine feet in length, the said

north boundary being three hundred feet in length, and the said east boundary being one hundred and seventy-four and one-tenth feet in length ;

And it is understood and agreed that anything contained in the said offer dated the first day of October, 1894, which is inconsistent with or repugnant to the terms, conditions, or provisions of this agreement is hereby rescinded and shall from the execution of this agreement cease to have any effect whatever, otherwise the terms, conditions, and provisions of the said offer shall remain in full force, virtue, and effect;

And it is further understood and agreed that upon the transfer of said stock to the said parties of the first part by the said parties of the second part all the parties to the lease mentioned in said offer shall be relieved of and from any liability whatever thereunder.

It is distinctly understood by and between the parties hereto that the said mortgage so to be given by said parties of the first part is to cover the lands and premises mentioned and described in schedule hereto marked "A," and also the assets, rights, and franchises and credits of the parties hereto of the third part, its successors and assigns mentioned in said offer.

The said mortgage is to provide also for the payment of debentures and interest as herein mentioned and in such a manner as to fully indemnify and protect the said parties of the second part from the payment of said debentures and mortgages to the extent of $260,000 and interest payable half-yearly, as provided in said offer.

The said mortgage shall contain the usual statutory covenants with the power of sale in case of default.

In witness whereof the parties hereto of the first part have hereto set their hands and seals and the said corporation has hereto caused to be set the hands of its mayor and clerk and its corporate seal to be affixed, and the said company has hereto caused to be set the hands of its president and secretary and its corporate seal to be affixed.

(Sgd.) EDWARD V. DOUGLAS, [Seal.]
Witness: By FRANCIS H. CLERGUE,
(Sgd.) N. SIMPSON. His Attorney.

(Sgd.) FRANCIS H. CLERGUE. [Seal.]

(Sgd.) W. H. PLUMMER,
Mayor. [Town Seal.]

(Sgd.) ALBERT CARNEY,
Acting Clerk.

(Sgd) JAMES BASSINGTHWAIGHTE,
Clerk.

(Sgd.) R. M. VANNORMAN,
President. [Company Seal.]

(Sgd.) ALBERT CARNEY,
Secy.

Schedule A.

Referred to in the annexed agreement dated the 29th day of December A. D. 1894, and forming part thereof.

Parcel Number One.

A mill site at the town of Sault Ste. Marie, in the district of Algoma, in front of the township of Awenge as shown by the green color on a plan by Provincial Land Surveyor Isaac Traynor, dated 5th May, 1877, of record in the Department of Crown Lands, a copy of part of which plan is attached to the patent bearing date the seventh day of June, 1877, conveying the said mill site privileges, lands and premises to John Laird and Jonathan Henderson together with the right of way, one chain wide, from the said mill site to the Korah road, as shown on the said plan by the red color, together with all the privileges and appurtenances thereto belonging, excepting thereout however that portion of the said mill site which lies to the south of a straight line drawn from a point on the southerly production of the easterly limit of West street, distant one thousand one hundred and forty-nine and four-tenths feet measured southerly along said production from the southerly limit of Portage street to a point on the southerly production of the westerly limit of Andrew street, distant nine hundred and thirty-six and four-tenths feet measured southerly along said production from the said southerly limit of Portage street, the portion of said mill site hereby excepted as aforesaid containing by admeasurement two and sixty-five one-hundredths acres more or less, and being the lands to be granted to the Government of Canada in exchange for and as the consideration for the lands to be granted by the said Government of Canada to "The Ontario and Sault Ste Marie Water, Light and Power Company," which latter lands are described as parcel number five in this schedule.

Parcel Number Two.

That parcel of land situate in the town of Sault Ste Marie, in the district of Algoma conveyed to "The Ontario and Sault Ste Marie Water, Light and Power Company," by Henry Coulthard Hamilton, by deed dated 30th June, 1890 and registered in the registry office for the district of Algoma on the 9th day of July, 1890, as number 2,188, which said parcel may be described as follows, that is to say: commencing in the southern limit of Portage street, said street being one chain wide, at its intersection with the easterly limit of Hudson street produced, thence southerly along the easterly limit of Hudson street produced to the water's edge of the St. Mary's river, thence southerly following the water's edge to the northerly limit of Laird and Henderson's mill site as patented to them by the Crown on the seventh day of June, 1877, thence

easterly along the said northern limit to the north east angle of said mill site, thence northerly and easterly following the water's edge of the St. Mary's river to its intersection with the westerly limit of Andrew street produced, thence northerly along said westerly limit to the southern limit of Portage street, said street being one chain wide, and thence westerly along said southern limit thirty two chains more or less to the point of commencement and containing by admeasurement fifteen and one-half acres more or less, excepting therefrom at the extreme northwest corner such small triangular piece (if any) as may be cut off by the Korah road, the said parcel above described being all of the reserve of land of the Hudson's Bay Company, at Sault Ste. Marie, lying southerly and westerly of Portage street aforesaid.

PARCEL NUMBER THREE.

All those parcels of land and land covered with water belonging to the Province of Ontario in the town of Sault Ste. Marie in the district of Algoma, lying between the south limit of Portage street and St. Mary's Island, bounded on the west by the east limit produced southerly of West street, and on the east by lands granted by letters patent to the Hudson's Bay Company and to Messrs. Laird and Henderson, said parcel containing by admeasurement thirty-eight acres more or less, and granted by letters patent, dated 13th December, 1894, to the corporation of the town of Sault Ste. Marie.

PARCEL NUMBER FOUR.

The land and land covered with water at the foot of the rapids on St. Mary's river, in the town of Sault Ste. Marie, in the district of Algoma, as shown on plan of survey by John A. Wilde, Ontario Land Surveyor, dated "6th October, 1894" of record in the Department of Crown Lands, and which plan is approved by the Deputy Minister of Railways and Canals for the Dominion, "15th October, 1894," described as follows, that is to say: Commencing at the intersection of the southerly production of the westerly limit of Gore street with the water's edge of St. Mary's river, thence westerly and following the said water's edge of St. Mary's river to the northeast angle of the Laird and Henderson mill site (a tract of twelve acres granted by letters patent, dated the seventh day of June, in the year of our Lord, one thousand eight hundred and seventy-seven, to John Laird and Jonathan Henderson), thence southerly along the easterly limit of said mill site to a point on said limit which is distant one thousand and seven and two-tenths feet, measured southerly and at right angles from the southerly limit of Portage street, the bearing of said Portage street being south eighty degrees and twenty-seven minutes, east astronomically, thence south seventy-two degrees nine minutes and forty-nine seconds, east astronomically, one thou-

sand one hundred and twelve and one-tenth feet more or less to the intersection with the said southerly production of the westerly limit of Gore street. The last described line being the northerly limit of the water lot at the eastern entrance to the Sault Ste. Marie canal, applied for by the Government of the Dominion of Canada, according to plan and description signed by Ontario Land Surveyor Wilde, bearing date the 7th of December, 1893, thence northerly and along said southerly production of the westerly limit of Gore street to the place of beginning; reserving thereout a road for ship canal purposes as shewn on the said plan. The parcel of land and land covered with water above described containing by admeasurement twenty-seven acres, be the same more or less.

Parcel Number Five.

All and singular that certain parcel or tract of land and land covered by water being a portion of St. Mary's island and the adjacent waters, situate, lying and being in the town of Sault Ste. Marie, in the district of Algoma, and Province of Ontario and which may be more particularly known and described as that portion of St. Mary's Island and adjacent waters, the property of the Government of the Dominion of Canada, lying to the north of a straight line to be hereafter described, and bounded on the west by the southerly production of the easterly limit of west street, and on the east by the Laird and Henderson mill site (a tract of twelve acres granted by letters patent dated June 7th, 1877.) The above mentioned straight line is drawn from a point on the said southerly production of the easterly limit of West street, distant one thousand one hundred and forty-nine and four-tenths feet, measured southerly along said production from the southerly limit of Portage street to a point on the southerly production of the westerly limit of Andrew street, distant nine hundred and thirty-six and four-tenths feet, measured southerly along said production from the said southerly limit of Portage street. The above described parcel contains by admeasurement ten and ten one-hundredths acres, be the same more or less.

Parcel Number Six.

All and singular that certain parcel or tract of land or land covered by water, being a portion of the lands covered by the waters of the St. Marys river, lying at the head of the rapids of said river and in front of and adjacent to the town of Sault Ste. Marie and the township of Awenge, in the district of Algoma and Province of Ontario, and which may be more particularly known and described as follows, that is to say:— Commencing at a point on the southerly production of the easterly limit of West street, in the said town of Sault Ste. Marie, said point being distant two hundred feet, measured southerly and along said production from the southerly limit of Portage street; thence south nine degrees thirty-three

minutes west astronomically and along the said southerly production of the easterly limit of West street, a distance of nine hundred and forty-nine and four-tenths feet; thence south seventy-eight degrees, no minutes west astronomically a distance of one thousand five hundred and nineteen and six-tenths feet; thence north twenty-three degrees, no minutes east astronomically a distance of one thousand and seventy-eight feet; thence north seventy-eight degrees, no minutes east astronomically one thousand two hundred and fifty feet, more or less, to the place of beginning. The above described parcel contains by admeasurement twenty-eight and nine-hundredths acres, be the same, more or less.

TRANSFER OF STOCK.

Know all men by these presents that the council of the town of Sault Ste. Marie, pursuant to the provisions of by-law numbered 327 of the said town, passed this 29th day of December, A. D. 1894, and by virtue of all other powers them thereunto enabling, do hereby assign, transfer, and set over unto Francis H. Clergue, of the city of New York, in the state of New York, one of the United States of America, mill-owner, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the said United States, capitalist, all the stock subscribed, purchased, or otherwise acquired by the corporation of the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light, and Power Company, said stock consisting of twelve thousand five hundred and fifty shares of the capital stock of said company, and being of the par value of two hundred and fifty-one thousand dollars, and being the stock referred to in the stock certificates issued by the authority of said company, numbered respectively one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two.

In witness whereof the council of the said town of Sault Ste. Marie, through the mayor of the said town, and under the corporate seal of the corporation of said town have duly executed these presents this twenty-ninth day of December, one thousand, eight hundred and ninety-four.

Signed, sealed, and delivered }
in the presence of }
(Sgd.) N. SIMPSON.

(Sgd.) W. H. PLUMMER,
Mayor of the Town of
Sault Ste. Marie.
[Corporation seal.]

SCHEDULE B.

(Section 2.)

By-laws and Resolutions of the Town of Sault Ste. Marie.

1. By-law No. 318.—To authorize The Ontario and Sault Ste. Marie Water, Light and Power Company to construct waterworks for the municipality of the town of Sault Ste. Marie, passed by the council of the said town of Sault Ste. Marie on the 3rd day of October, 1894.

2. By-law No. 319.—To authorize The Ontario and Sault Ste. Marie Water, Light and Power Company to construct electric light works for the municipality of the town of Sault Ste. Marie passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

3. By-law No. 320.—To ratifiy and confirm a certain agreement made and entered into between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie for the construction of waterworks, passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

4. By-law No. 321.—To ratify and confirm a certain agreement made and entered into between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie for the construction of electric light, passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

5. By-law No. 322.—To exempt from municipal taxation for a period of ten years the property of The Ontario and Sault Ste. Marie Water, Light and Power Company, their successors and assigns, and the property of other persons and corporations situate on the property of the said company, their successors and assigns, passed by the council of the town of Sault Ste. Marie on the 5th day of October, 1894.

6. By-law No. 324.—To authorize the council of the town of Sault Ste. Marie to sell or dispose of the stock in The Ontario and Sault Ste. Marie Water, Light and Power Company, passed by the council of the town of Sault Ste. Marie on the 29th day of October, 1894.

7. By-law No. 327.—To provide for the transfer of stock in The Ontario and Sault Ste. Marie Water Light and Power Company, passed by the council of the town of Sault Ste. Marie on the 29th day of December, 1894.

8. Resolution passed by the municipal council of the said town of Sault Ste. Marie, on the 29th day of December, A.D. 1894, accepting the offer of Edward V. Douglas and Francis H. Clergue to purchase the stock held by the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light and Power Company.

9. Resolution of the municipal council of the town of Sault Ste. Marie, authorizing the mayor and clerk, on behalf of the corporation of the town of Sault Ste. Marie, to sign and fix the corporate seal of the said corporation to the agreement dated the 29th day of December, 1894, between Francis H. Clergue and Edward V. Douglas, of the first part, the said corporation of the second part, and The Ontario and Sault Ste. Marie Water, Light, and Power Company of the third part, respecting the transfer to the said Francis H. Clergue and Edward V. Douglas by said corporation of its stock in said company.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, and the Tagona Water and Light Company.

First Reading, 22nd March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] **BILL.** [1895.

An Act to incorporate the Lake Superior Navigation Company.

Preamble.

WHEREAS Walter Pearce Douglas, Samuel R. Shipley, Edward V. Douglas, Ernest V. Clergue and John Bogart have by their petition prayed that an Act may be passed to incorporate them under the name of the "Lake Superior Navigation Company" for the purpose of erecting elevators, warehouses, dry docks, piers, wharves, constructing and navigating boats and vessels of every description, and for the other purposes hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Walter Pearce Douglas, Edward V. Douglas, and Samuel R. Shipley, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, bankers, Ernest V. Clergue, manufacturer, and John Bogart, civil engineer, both of the city of New York, in the state of New York, one of the said United States, together with such other persons, firms and corporations as shall become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, with perpetual succession and a common seal by the name of the "Lake Superior Navigation Company."

Objects of company.

2. The said company shall have power,—

(1) To construct, utilize and operate at or near the town of Sault Ste. Marie and at such other places in the Province of Ontario as the directors deem advisable, elevators, warehouses, piers, wharves, dry docks, slips, machinery and marine railways connected therewith, and to dredge, deepen or make harbors or basins;

(2) To engage in the business of repairing and doing all things pertaining to the repairing of vessels, boats and water craft of every kind and description;

(3) For such services and for vessels, boats and other water craft entering their harbors or lying at their piers, wharves or docks, and for loading and unloading goods, wares or mer-

chandise in such harbors in, on or from such elevators, warehouses, piers or wharves, and for all other matters connected with their operations, to charge such tolls, rates, dues or wharfage as the directors may think proper;

(4) To purchase, construct, sell, lease and dispose of vessels, boats and water craft of every description, and to operate and utilize the same;

(5) To engage in every kind of manufacture which the directors may deem advisable, and to do all such things as may be necessary or expedient for the purposes thereof;

(6) To engage in the purchase and sale of all kinds of goods, wares and merchandise, produce and products;

(7) To engage in the business of warehousemen and forwarders, and to buy and sell goods, wares and merchandise of every description on commission or otherwise, and to issue warehouse receipts, bills of lading and other documents, and to do all other things necessary in connection therewith;

(8) To generate, lease or otherwise acquire water power and electrical or other power and to use, sell, lease or otherwise dispose of the same as the directors deem proper;

(9) To construct and operate an electric railway or railways from any point on or near the company's works to such other point or points as may be deemed advisable by the directors;

(10) To acquire by lease, purchase or otherwise all lands tenements, hereditaments and all other real and personal property necessary or useful for all or any of the said purposes and objects, and to lease or sell and convey the same; and

(11) To purchase, or acquire by lease, and hold, mortgage lease and sell real and personal property of every description whether required for any of the above purposes or not: Provided that no real estate not actually occupied for any of the said purposes shall be held for a longer period than seven years.

Proviso.

Enforcing payment of tolls and charges.

3. The company or its agent, officers or servants may detain any goods, wares or merchandise, or any vessel, boat or craft until the legal tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for the space of thirty days, and in any case where the charges for wharfage or storage, dues on goods, wares or merchandise have remained unpaid for the space of one year, the company, their agents, officers or servants, after giving ten days' notice of sale may, by public auction, sell such goods, wares or merchandise, or such part thereof as may be necessary to pay such dues, and shall return the overplus, if any, to the owner or owners thereof.

Taking lands and lands covered with water.

4. The company may, for the purposes mentioned in subsection 1 of section 2 of this Act, from time to time, and at such times hereafter as they shall see fit enter into and upon and take possession of, the lands covered with water of any person

or persons, bodies politic or corporate, and survey, set out and ascertain such parts thereof as they may require for the purposes of their works or undertakings, and to contract with the owners or occupiers of the said lands and lands covered with water for the purchase thereof or of any part thereof or of any privilege that may be required for the purposes of the company, and in case of any disagreement between the said company and the owners or occupiers of such lands or lands covered with water or any person having any interest therein respecting the amount of money to be paid therefor by said company or the value thereof, or as to the damage such appropriation shall cause to them or otherwise, the same shall be decided by arbitration as provided in *The Railway Act of Ontario*: Provided moreover that before entering into actual possession of any such lands or lands covered with water the said company shall pay to the owner of the said lands or lands covered with water the sum so agreed upon or awarded as the value thereof, and for damages thereto occasioned by such expropriation.

Rev. Stat. c. 170.

5. It shall and may be lawful for the said company to purchase the bonds or debentures of any incorporated company, or to loan money on such bonds or debentures, at such rate or rates of interest as may be agreed upon, and to purchase the stock of any incorporated company.

Power to purchase bonds or stock of other companies.

6. *The Ontario Joint Stock Companies' General Clauses Act* shall in so far only as it is applicable, and not inconsistent with or repugnant to any of the provisions of this Act, apply to the said company and the works and improvements contemplated by this Act.

Application of Rev. Stat. c. 156.

7. The said company shall not be subject to the provisions of the *Act respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chaptered 26, and the said Act shall not apply to the said company in any manner whatsoever.

Company not subject to 52 V. c. 26.

8. The said Walter Pearce Douglas, Edward V. Douglas, Samuel R. Shipley, Earnest V. Clergue and John Bogart shall be and are hereby constituted a board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed under the provisons of this Act by the shareholders, and shall have power to open stock books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do.

Provisional directors.

9. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the said company, and all of such shareholders shall be entitled to vote on their shares

Aliens as shareholders and directors.

equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company, and in all their affairs shall enjoy all the rights and privileges as shareholders as they could do if British subjects, and notwithstanding anything contained in *The Ontario Joint Stock Companies' General Clauses Act*, or any other Act of the Legislature of Ontario, it shall not be necessary for any of the directors of said company to be British subjects.

Rev. Stat. c. 156.

Capital stock.

10. The amount of capital stock of the said company shall be $2,000,000, divided into 20,000 shares of $100 each.

Increasing capital stock.

11.—(1) The directors of the said company, at any time after nine-tenths of the capital stock of the company has been taken up and ten per centum thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

Assent of shareholders.

(2) No such by-law shall have any force or effect until after it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a special general meeting of the company duly called for the purpose for considering the same.

Application to Lieutenant-Governor.

(3) At any time after the sanction of such by-law the directors may petition the Lieutenant-Governor, through the Provincial Secretary, for an Order in Council authorizing such increase.

Order in Council authorizing increase of capital stock.

(4) The Lieutenant-Governor may by Order in Council authorize such increase, and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, and thereupon from the date of the Order in Council the capital stock of the company shall be, and remain increased to the amount, and in the manner, and subject to the conditions set forth by such by-law, and the whole of the stock as so increased shall become subject to the provisions of this Act in like manner (so far as may be) as though every part thereof had formed part of the stock of the company as originally subscribed.

Companies may issue preferential stock.

12.—(1) The directors of the said company may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

Powers to preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company. Sanction required as to preference shares.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act and any other Act relating to the said company, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid. Rights and liabilities of holders of preference stock.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company. Rights of creditors preserved.

13. The provisional directors or the elected directors of the said company may pay or agree to pay, in paid up stock, or in the bonds of the company, such sums as they may deem expedient to engineers and contractors, or for lands or lands covered with water, or for water power, or material, or plant, or machinery required to carry out the purposes of the said company, and also when sanctioned by a vote of the shareholders, at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertakings of the said company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in stock or bonds.

14.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person or by proxy at a special general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or necessary. Borrowing powers.

(2) The directors may, under a like sanction, hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums appropriated for the purposes thereof. Mortgaging property of company.

15. The said company may secure the bonds, debentures or other securities which they are authorized to issue under this Act by a mortgage deed or deeds creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed. Securing bonds by mortgage.

(*a*) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy (as the case may be); and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders or to the said trustees.

(*b*) Every such mortgage deed, in addition to depositing the same in the office of the Provincial Secretary as hereinafter provided, shall be registered in the registry office or offices of the district or districts in which the lands affected thereby or any of them are situate.

Mortgage need not be registered as a chattel mortgage under 57 V. c. 37.

16. It shall not be necessary, in the exercise of the powers as to mortgaging in this Act contained, to comply with the provisions of *The Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the said company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, and upon notice of such deposit being given in the *Ontario Gazette*, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth as if the provisions of the said *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

57 V. c. 37.

Head office.

17. The head office of the company shall be at the town of Sault Ste. Marie in the district of Algoma.

No. 61.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Lake Superior Navigation Company.

First Reading, 1895.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] **BILL.** [1895.

An Act to incorporate *The Algoma Dry Dock* Company.

Preamble.

WHEREAS Walter Pearce Douglas, Samuel R. Shipley, Edward V. Douglas, Ernest V. Clergue and John Bogart have by their petition prayed that an Act may be passed to incorporate them under the name of "*The Algoma Dry Dock* Company" for the purpose of erecting elevators, warehouses, dry docks, piers, wharves, constructing and navigating boats and vessels of every description, and for the other purposes hereinafter mentioned; and whereas the corporation of the town of Sault Ste. Marie has by its petition prayed that the said company should be incorporated with the powers and for the purposes hereinafter set forth; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Walter Pearce Douglas, Edward V. Douglas, and Samuel R. Shipley, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, bankers, Ernest V. Clergue, manufacturer, and John Bogart, civil engineer, both of the city of New York, in the state of New York, one of the said United States, together with such other persons, firms and corporations as shall become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, with perpetual succession and a common seal by the name of "*The Algoma Dry Dock* Company."

Powers of company.

2. The said company shall have power:

(1) To construct, utilize and operate on the property of the company, dry docks and marine railways connected therewith, elevators, warehouses, piers, wharves and slips, and to dredge or deepen harbors or basins;

(2) To engage in the business of repairing boats and watercraft of every kind and description;

(3) For such services and for the use of any of the works of the company the directors may, from time to time, charge such tolls, rates, dues or wharfage as they may think proper;

(4) To purchase, construct, sell, lease and dispose of vessels, boats and water-craft of every description, and to operate, navigate and utilize the same ;

(5) To engage in every kind of manufacture which the directors may deem advisable, and to do all such things as may be necessary or expedient for the purposes thereof;

(6) To engage in the purchase and sale of all kinds of goods, wares and merchandise, produce and products ;

(7) To engage in the business of warehousemen and forwarders, and to issue warehouse receipts, bills of lading and other documents, and do all other things necessary in connection therewith ;

(8) To purchase, lease or otherwise acquire water or other power, and to generate or lease electrical power, and to use, sell, lease or otherwise dispose of such water-power, or electrical, or other power ;

(9) Subject to the consent of the municipality interested, to construct and operate a tramway from any point on or near the company's works to such other point or points as may be deemed advisable ;

(10) To acquire by lease, purchase or otherwise, all real and personal property of every description, whether required for any of the above purposes or not, and to lease, sell and convey the same ; provided that no real estate not actually occupied or used for any of the said purposes shall be held for a longer period than seven years.

Enforcing payment of tolls and charges.

3. The company or its agent, officers or servants may detain any goods, wares or merchandise, or any vessel, boat or craft until the tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for the space of thirty days, and in any case where the charges for wharfage or storage, dues on goods, wares or merchandise have remained unpaid for the space of one year, the company, their agents, officers or servants, after giving ten days' notice of sale may, by public auction, sell such goods, wares or merchandise, or such part thereof as may be necessary to pay such dues, and shall return the overplus, if any, to the owner or owners thereof.

Purchasing bonds or stock of other companies.

4. The company may purchase the bonds, debentures or stock of any incorporated company now or hereafter incorporated which has, or may have for its object the promotion of any of the objects which The Algoma Dry Dock Company is authorized to carry out, or the bonds, debentures or stock of any company which may mainly derive its rights, privileges or franchises from the said *The Algoma Dry Dock* Company, and to loan money upon the security of such bonds, debentures or stock, at such rate of interest as may be agreed upon.

☞5. *The Ontario Joint Stock Companies' General Clauses Act* shall be incorporated with this Act so far as it is applicable, and not inconsistent with or repugnant to any of the provisions thereof.☜ Application of Rev. Stat. c. 156.

6. The said company shall not be subject to the provisions of the *Act respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chaptered 26, and the said Act shall not apply to the company. Company not subject to 52 V. c. 26.

7. The said Walter Pearce Douglas, Edward V. Douglas, Samuel R. Shipley, Ernest V. Clergue and John Bogart shall be and are hereby constituted a board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed under the provisons of this Act by the shareholders, and shall have power to open stock books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do. Provisional directors.

☞8.—(1) The company may at any time by by-law increase or decrease the number of its directors.☜ Increasing or decreasing number of directors.

☞(2) No by-law for such purpose shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting duly called for considering the by-law, nor until a copy of the by-law has been published in *The Ontario Gazette*, and also in some newspaper published in the said town of Sault Ste. Marie.☜

9. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the said company, and all of such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company, and in all their affairs shall enjoy the *same* rights and privileges as shareholders as they could do if British subjects, and it shall not be necessary for any of the directors of said company to be British subjects. Aliens as shareholders and directors.

10. The amount of capital stock of the said company shall be $1,000,000, divided into 10,000 shares of $100 each. Capita stock.

☞11. Sections 18 and 20 to 23, inclusive, of the Revised Statutes of Ontario 1887, chapter 157, shall be incorporated with this Act.☜ Application of Rev. Stat. c. 157, ss. 18, 20-23.

12.—(1) The directors of the said company may pass a by-law for creating and issuing any part of the capital stock Companies may issue preferential stock.

of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

Powers to preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company.

Rights and liabilities of holders of preference stock.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights of creditors preserved.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company.

Certain payments may be made in stock or bonds.

13 The provisional directors or the elected directors of the said company may pay or agree to pay, in paid up stock, or in the bonds of the company, such sums as they may deem expedient to engineers and contractors, or for lands or lands covered with water, or for water power, or material, or plant, or machinery required to carry out the purposes of the said company, and also when sanctioned by a vote of the shareholders, at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertakings of the said company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Borrowing powers.

14.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person or by proxy at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, *and* issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or necessary.

Mortgaging property of company.

(2) The directors may, under a like sanction, hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums appropriated for the purposes thereof.

15. The said company may secure the bonds, debentures or other securities which they are authorized to issue under this Act by a mortgage deed or deeds creating such mortgages, charges and incumbrances upon the property, assets, rents and revenues of the company, present or future or both, which may be described in said deed. Securing bonds by mortgage.

(*a*) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

16. The head office of the company shall be at the town of Sault Ste. Marie in the district of Algoma. Head office.

☞**17**. The directors of the company may at any time pass a by-law authorizing the said directors at any time to appoint an executive committee composed of any two or more of their number, for such purposes and with such powers as may be prescribed by resolution of the directors, and all contracts or obligations entered into by said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors; but no such by-law shall be valid or acted upon unless it is sanction d by a majority in value of the shareholders present in person or by proxy at a general meeting of the company.☜ Appointment of executive committee to act for directors.

☞**18**. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the said company.☜ Voting by proxy at meetings.

No. 61.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Algoma Dry Dock Company.

First Reading, 22nd March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 62.] **BILL.** [1895.

An Act to incorporate the Sault Ste. Marie Pulp and Paper Company.

Preamble.

WHEREAS Edward V. Douglas, Samuel R. Shipley, Frank K. Lewis, Alfred P. Boller, and Francis H. Clergue have, by their petition, set forth that it is desirable and in the public interest that pulp and paper mills should be built and operated at the town of Sault Ste. Marie and other places in the Province of Ontario, and have prayed that an Act may be passed to incorporate them as a company under the name of "Sault Ste. Marie Pulp and Paper Company" with the objects, purposes and powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. Edward V. Douglas, banker, Samuel R. Shipley, banker, and Frank K. Lewis, railway manager, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America; Alfred P. Boller, civil engineer, and Francis H. Clergue, mill owner, both of the city of New York in the state of New York, one of the United States of America, together with such other persons, firms, and corporations, as shall become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and, politic with perpetual succession and a common seal by the name of the "Sault Ste. Marie Pulp and Paper Company."

2. The said company shall have power:—

(1) To construct, build and operate pulp and paper mills and to engage in the manufacture and sale of pulp and paper at the said town of Sault Ste. Marie and elsewhere in the Province of Ontario.

(2) To engage in every kind of manufacture which the directors may deem advisable, and to do all such things as may be necessary or expedient for the purposes thereof.

(3) To engage in the purchase and sale of all kinds of goods, wares and merchandise, produce and products.

(4) To generate, lease or otherwise acquire water power and electrical or other power, and to use, sell, lease or otherwise dispose of the same as the directors deem proper.

(5) To construct, own, lease or hire elevators and warehouses and all buildings and machinery necessary for the business of elevating and storing all kinds of goods, wares and merchandise and produce and products, and to purchase and sell the same on commission or otherwise, and to engage in the business of warehousemen and forwarders, and to issue bills of lading, warehouse receipts and other documents, and to do all things necessary in connection therewith.

(6) To acquire by purchase or otherwise timber of every description, and to acquire and hold timber licenses granted by the Crown.

(7) To acquire by purchase or lease or otherwise, and to lease or sell real and personal property of every description whether required for the other purposes of the said company or not; provided that no real estate not actually occupied for such purposes shall be held for a longer period than seven years.

(8) To purchase, construct, charter and navigate steam or sailing vessels and other water craft on any lake or stream within the Province of Ontario as may be deemed necessary from time to time by the directors for carrying on the business of the company.

(9) To construct and operate an electric railway or railways from any point at or near the company's works to such other point or points as may be deemed advisable by the directors.

Application of Rev. Stat. c. 156.

3. *The Ontario Joint Stock Companies' General Clauses Act* shall in so far only as it is applicable, and not inconsistent with or repugnant to any of the provisions of this Act, apply to the company, and the works and improvements contemplated by this Act.

52 V. c. 26, not to apply to company.

4. The company shall not be subject to the provisions of an *An Act Respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's Reign, chaptered 26, and the said Act shall not apply to the said company in any manner whatsoever.

Provisional directors.

5. The said Edward V. Douglas, Samuel R. Shipley, Frank K. Lewis, Alfred P. Boller, and Francis H. Clergue, shall be, and are hereby constituted a board of provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed, under the provisions of this Act by the shareholders, and shall have power to open stock books, and procure subscriptions for the undertaking, to make calls upon the sub-

scribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do.

Aliens eligible as shareholders and directors.

6. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the company and all of such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office, as directors, or otherwise in the said company, and in all their affairs shall enjoy all the rights and privileges as shareholders as they could do if British subjects, and notwithstanding anything contained in *The Ontario Joint Stock Companies' General Clauses Act*, or any other Act of the Legislature of Ontario, it shall not be necessary for any of the directors of said company to be British subjects.

Rev. Stat. c. 156.

Capital stock.

7. The amount of capital stock of the said company shall be $2,000,000, divided into 20,000 shares of $100 each.

Increasing capital stock.

8.—(1) The directors of the said company, at any time after nine-tenths of the capital stock of the company has been taken up and ten per cent. thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

Allotment of new stock.

(2) The by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same are to be allotted, but in all other respects the control of such allotment shall be held to rest absolutely in the directors.

Assent of shareholders effective.

(3) No such by-law shall have any force or effect until after it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the company, duly called for considering the same.

Petition to increase capital stock.

(4) At any time after the sanction of such by-law, the directors may petition the Lieutenant-Governor, through the Provincial Secretary for an order in council authorizing such increase.

Authority to increase capital stock.

(5) The Lieutenant-Governor may grant an order authorizing such increase, and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, and thereupon from the date of the order in council, the capital stock of the company shall be, and remain increased to the amount, and in the manner, and subject to the conditions set forth by such by-law, and the whole of the stock as so increased shall become subject to the provisions of this Act, in like manner (so far as may be), as though every part thereof had formed part of the stock of the company as originally subscribed.

Head office.

9. The head office of the said company shall be at the town of Sault Ste. Marie, in the district of Algoma.

Lending money to or taking stock in other companies.

10. The said company may purchase the bonds or debentures of any incorporated company, or may loan money on such bonds or debentures at such rate of interest as may be agreed upon, or may purchase the stock of any incorporated company.

Borrowing powers.

11.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person, or by proxy, at a special general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities, at such prices as may be deemed expedient or necessary.

Power to hypothecate property of company.

(2) The directors may, under a like sanction, hypothecate mortgage or pledge the real or personal property of the company to secure any sum or sums appropriated for the purposes thereof.

Certain payments may be made in stock or bonds.

12. The provisional directors or the elected directors of the said company may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for lands or lands covered with water, or for water power or plant or machinery required to carry out the purposes of the said company, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking of the company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Companies may issue preferential stock.

13.—(1) The directors of the said company may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

Powers to preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders present, in person or by proxy, at a general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act and any other Act relating to the said company, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid. Rights and liabilities of holders of preference stock.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company. Rights of creditors preserved.

14. The said company may secure the bonds, debentures or other securities, which they are authorized to issue under this Act, by a mortgage deed or deeds, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed. Securing bonds by mortgage.

(*a*) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy, (as the case may be); and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders or to the said trustees.

(*b*) Every such mortgage deed, in addition to depositing the same in the office of the Provincial Secretary as hereinafter provided, shall be registered in the registry office or offices of the district or districts in which the lands affected thereby or any of them are situate.

15. It shall not be necessary, in the exercise of the powers as to mortgaging in this Act contained, to comply with the provisions of the *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the said company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, and upon notice of such deposit being given in the *Ontario Gazette*, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with. Mortgage need not be registered as a chattel mortgage under 57 V. c. 37. 57 V. c. 37.

Company declared to be parties to agreement with town of Sault Ste. Marie.

16. The said company are hereby added as parties to the agreement contained in a certain offer dated 1st October, 1894, from the said Francis H. Clergue and E. V. Douglas to the corporation of the town of Sault Ste. Marie and the acceptance thereof by the said corporation dated 29th December, 1894, confirmed by an Act passed at the present session of the Legislature of Ontario, in so far as concerns the erection of the mills, manufactories and other similar improvements which by the terms of said agreement are to be erected by the said Francis H. Clergue and E. V. Douglas or their assigns and the covenant entered into with respect thereto by the said Francis H. Clergue and E. V. Douglas is hereby declared to be valid and binding upon the said company and the said corporation, who are hereby empowered to do all things necessary to effectuate the intentions of the said parties with respect to the said mills, manufactories and other similar improvements as expressed in the said offer and the acceptance thereof.

No. 62.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Sault Ste. Marie Pulp and Paper Company.

First Reading, 1895.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 62.] **BILL.** [1895.

An Act to incorporate The Sault Ste. Marie Pulp and Paper Company.

Preamble. WHEREAS Edward V. Douglas, Samuel R. Shipley, Frank K. Lewis, Alfred P. Boller, and Francis H. Clergue have, by their petition, set forth that it is desirable and in the public interest that pulp and paper mills should be built and operated at the town of Sault Ste. Marie and other places in the Province of Ontario, and have prayed that an Act may be passed to incorporate them as a company under the name of "*The* Sault Ste. Marie Pulp and Paper Company" with the objects purposes and powers hereinafter set forth; and whereas the corporation of the town of Sault Ste. Marie has by its petition prayed that the said company should be incorporated with the powers and for the purposes hereinafter mentioned; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation **1**. Edward V. Douglas, banker, Samuel R. Shipley, banker, and Frank K. Lewis, railway manager, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America; Alfred P. Boller, civil engineer, and Francis H. Clergue, mill owner, both of the city of New York in the state of New York, one of the United States of America, together with such other persons, firms, and corporations, as shall become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and, politic with perpetual succession and a common seal by the name of "*The* Sault Ste. Marie Pulp and Paper Company."

Powers of company. **2**. The said company shall have power:—

(1) To construct, build and operate pulp and paper mills and to engage in the manufacture and sale of pulp and paper at the said town of Sault Ste. Marie and elsewhere in the Province of Ontario.

(2) To engage in every kind of manufacture which the directors may deem advisable, and to do all such things as may be necessary or expedient for the purposes thereof.

(3) To engage in the purchase and sale of all kinds of goods, wares and merchandise, produce and products.

(4) To purchase lease or otherwise acquire water or other power and to generate or lease electrical or other power, and to use, sell, lease or otherwise dispose of such water power or electrical or other power.

(5) To purchase, construct, lease and dispose of wharves, elevators and warehouses and all buildings and machinery necessary for the business of elevating and storing all kinds of merchandise and produce, and to engage in the business of warehousemen and forwarders, and to issue bills of lading, warehouse receipts and other documents, and to do all things necessary in connection therewith.

(6) To acquire by purchase or otherwise timber of every description, and to acquire and hold timber licenses granted by the Crown.

(7) To acquire by purchase or lease or otherwise real and personal property of every description whether required for any of the above purposes or not, and to lease, sell and convey the same; provided that no real estate not actually occupied or used for such purposes shall be held for a longer period than seven years.

(8) To purchase, construct, charter and navigate steam or sailing vessels and other water craft.

(9) Subject to the consent of the municipality interested, to construct and operate a tramway from any point at or near the company's works to such other point or points as may be deemed advisable.

Application of Rev. Stat. c. 156.

3. *The Ontario Joint Stock Companies' General Clauses Act* shall be incorporated with this Act so far as it is applicable, and not inconsistent with or repugnant to any of the provisions thereof.

52 V. c 26, not to apply to company.

4. The company shall not be subject to the provisions of an *An Act Respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's Reign, chaptered 26, and the said Act shall not apply to the said company.

Provisional directors.

5. The said Edward V. Douglas, Samuel R. Shipley, Frank K. Lewis, Alfred P. Boller, and Francis H. Clergue, shall be, and are hereby constituted a board of provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed, under the provisions of this Act by the shareholders, and shall have power to open stock books, and procure subscriptions for the undertaking, to make calls upon the sub-

scribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do.

Increasing or decreasing number of directors.

6.—(1) The company may at any time by by-law increase or decrease the number of its directors.

(2) No by-law for such purpose shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting duly called for considering the by-law, nor until a copy of the by-law has been published in the *Ontario Gazette*, and also in some newspaper published at the said town of Sault Ste. Marie.

Aliens eligible as shareholders and directors.

7. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the company and all of such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office, as directors, or otherwise in the said company, and in all their affairs shall enjoy the *same* rights and privileges as shareholders as they could do if British subjects, and it shall not be necessary for any of the directors of said company to be British subjects.

Capital stock.

8. The amount of capital stock of the said company shall be $2,000,000, divided into 20,000 shares of $100 each.

9. Sections 18 and 20 to 23, inclusive, of the Revised Statutes of Ontario, 1887, chapter 157, shall be incorporated with this Act.

Head office.

10. The head office of the said company shall be at the town of Sault Ste. Marie, in the district of Algoma.

11. The company may purchase the bonds, debentures or stock of any incorporated company now or hereafter incorporated which has, or may have for its object the promotion of any of the objects which The Sault Ste. Marie Pulp and Paper Company is authorized to carry out, or the bonds, debentures or stock of any company which may mainly derive its rights, privileges or franchises from the said The Sault Ste. Marie Pulp and Paper Company, and to loan money upon the security of such bonds, debentures or stock at such rate of interest as may be agreed upon.

Borrowing powers.

12.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person, or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, *and* issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities, at such prices as may be deemed expedient or necessary.

Power to hypothecate property of company.

(2) The directors may, under a like sanction, hypothecate mortgage or pledge the real or personal property of the company to secure any sum or sums appropriated for the purposes thereof.

Certain payments may be made in stock or bonds.

13. The provisional directors or the elected directors of the said company may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for lands or lands covered with water, or for water power or plant or machinery required to carry out the purposes of the said company, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking of the company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Companies may issue preferential stock.

14.—(1) The directors of the company may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

Powers to preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders present, in person or by proxy, at a general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company.

Rights and liabilities of holders of preference stock.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights of creditors preserved.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company.

Securing bonds by mortgage.

15. The said company may secure the bonds, debentures or other securities, which they are authorized to issue under this Act, by a mortgage deed or deeds, creating such mortgages, charges and incumbrances upon the property, assets, rents and revenues of the company, present or future or both, *which may be* described in said deed.

(*a*) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy, (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

Company to be parties to agreement between Clergue and Douglas and town of Sault Ste. Marie.

16. The said company are hereby added as parties to the agreement between the said Francis H. Clergue and E. V. Douglas and the corporation of the town of Sault Ste. Marie, which said agreement is set out in the schedule to the Act respecting the town of Sault Ste. Marie, the Ontario and Sault Ste. Marie Water, Light and Power Company and the Tagona Water and Light Company passed at the present session, in so far as concerns erection of mills, manufactories and other similar improvements which by the terms of said agreement are to be erected by the said Francis H. Clergue and E. V. Douglas or their assigns, and the covenant entered into with respect thereto by the said Francis H. Clergue and E. V. Douglas is hereby declared to be valid and binding upon the said company and the said corporation, who are hereby empowered to do all things necessary to effectuate the intentions of the said parties with respect to the said mills, manufactories and other similar improvements as therein expressed.

Appointing executive committee to act for directors.

17. The directors of the company may at any time pass a by-law authorizing the said directors at any time to appoint an executive committee composed of any two or more of their number for such purposes and with such powers as may be prescribed by resolution of the directors, and all contracts or obligations entered into by the said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors, but no such by-law shall be valid or acted upon unless it is sanctioned by a majority in value of the shareholders present in person or by proxy, at a general meeting of the company.

Voting by proxy at meetings.

18. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

No. 62.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate The Sault Ste. Marie Pulp and Paper Company.

First Reading, 22nd March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63.] **BILL.** [1895.

An Act to confirm a certain By-law of the Township of Springer.

Preamble.

WHEREAS the corporation of the township of Springer in the district of Nipissing has represented that important industrial and commercial advantages would result to the inhabitants of the said township and of the surrounding district, from the erection and operating of a pulp mill on the Sturgeon river at the unincorporated village of Sturgeon Falls, within the said township; that the said river affords ample water power for milling purposes, which power is at present unutilized; that the said river is navigable for lake steamers up to the point at which it is proposed that a pulp mill be established; that a wide area of the township and district aforesaid produces an abundant and easily obtainable supply of the various kinds of wood constituting the raw material used in the preparation of pulp; that such preparation of pulp is an industry of rapidly increasing importance, and that at present the said raw material available in the township and district aforesaid can only be utilized by exportation from this province; and whereas the corporation of the township of Springer aforesaid, after submitting the same to the ratepayers qualified to vote on money by-laws on the 7th day of January, 1895, did pass a by-law numbered 130 on the 14th day of January, 1895 which by-law is set forth in schedule A to this Act in full, the said by-law being one providing for the raising by way of loan, upon the security of debentures of the said township, the sum of $7,000, to be paid by way of bonus to any person or persons with whom satisfactory arrangements can be made to erect and operate a pulp mill as aforesaid; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas the case of the said township of Springer is, for the reasons aforesaid, exceptional, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to grant bonus of $7,000 to pulp mill at Sturgeon Falls.

1. It shall be lawful for the corporation of the township of Springer to grant aid by way of bonus to secure the establishment of a pulp mill as an industrial enterprise within the said township at the unincorporated village of Sturgeon Falls, to an amount not exceeding the sum of $7,000, and to issue debentures for the amount required for the purpose aforesaid and to do all other Acts in the premises as if the power to grant bonuses was still vested in municipalities.

By-law 130 confirmed.

2. The said by-law of the corporation of the township of Springer numbered 130, in the year 1895, and set forth in full in the schedule A to this Act is hereby confirmed and declared legal, valid and binding, in the same manner and to the same extent as is set out at length, and the provisions thereof enacted in this Act, anything contained in any other Act to the contrary notwithstanding.

SCHEDULE A.

By-Law No. 130.

A by-law to provide for raising, by way of loan upon the security of debentures of the township of Springer, in the district of Nipissing, the sum of $7,000, for the purpose of assisting any person or persons with whom suitable arrangements can be made, to erect and work a pulp mill at the unincorporated village of Sturgeon Falls in the said township.

Whereas, in the opinion of the municipal council of the corporation of the township of Springer, it is expedient to raise the sum of $7,000 on the credit of the said municipality, to be paid by way of bonus, to any person or persons with whom satisfactory arrangements can be made to erect and operate a pulp mill on the Sturgeon river, at the unincorporated village of Sturgeon Falls ;

And whereas, for the repayment of the said sum of $7,000, it is proposed to issue debentures of the said township of Springer, payable with interest at the rate of five per cent. per annum, in twenty annual instalments, such that the aggregate amount payable for principal and interest in any one year of the said twenty years shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of such period ;

And whereas the total amount required to be annually raised by special rate during the said period of twenty years for paying the said debentures and interest is $561.70, excepting in the years 1900, 1905, 1910 and 1915, when the amount required to be raised will be $561.69 ;

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, being for the year 1894, is $76,922 ;

And whereas the amount of the existing debenture debt of the said municipality is $3,000, of which no part of the principal or interest is in arrears;

Be it therefore enacted, and it is hereby enacted by the municipal council of the township of Springer, pursuant to the provisions of the statutes in that behalf:

1. That the reeve of the said township may borrow, on the credit of the corporation of the said township of Springer, the sum of $7,000, being the amount necessary to pay the said bonus and to secure the repayment of the said sum of money, may issue debentures of the said corporation in the amounts and payable in the manner hereinafter specified.

2. That the said debentures, both as to principal and interest, shall be payable at the bank of Ontario, at the town of Sudbury, and shall be dated the fifteenth day of January, A.D. 1895, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of five per cent. per annum from the said date, and shall be payable on the fifteenth day of January in each year during the currency of each debenture..

3. It shall be lawful for the reeve of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures.

4. The amount of the said debentures, and the date at which they shall be respectively payable, shall be as follows:

(1) For the sum of $211.68, payable on the fifteenth day of January, 1896.

(2) For the sum of $222.25, payable on the fifteenth day of January, 1897.

(3) For the sum of $233.38, payable on the fifteenth day of January, 1898.

(4) For the sum of $245.07, payable on the fifteenth day of January, 1899.

(5) For the sum of $257.32, payable on the fifteenth day of January, 1900.

(6) For the sum of $270.20, payable on the fifteenth day of January, 1901.

(7) For the sum of $283.71, payable on the fifteenth day of January, 1902.

(8) For the sum of $297.85, payable on the fifteenth day of January, 1903.

(9) For the sum of $312.76, payable on the fifteenth day of January, 1904.

(10) For the sum of $328.44, payable on the fifteenth day of January, 1905.

(11) For the sum of $344.82, payable on the fifteenth day of January, 1906.

(12) For the sum of $362.11, payable on the fifteenth day of January, 1907.

(13) For the sum of $380.17, payable on the fifteenth day of January, 1908.

(14) For the sum of $399.21, payable on the fifteenth day of January, 1909.

(15) For the sum of $419.16, payable on the fifteenth day of January, 1910.

(16) For the sum of $440.09, payable on the fifteenth day of January, 1911.

(17) For the sum of $462.14, payable on the fifteenth day of January, 1912.

(18) For the sum of $485.24 payable on the fifteenth day of January, 1913.

(19) For the sum of $509.46 payable on the fifteenth day of January, 1914.

(20) For the sum of $534.94 payable on the fifteenth day of January, 1915.

For the purpose of paying the said debentures and the interest of the same during the currency thereof, the sum of $561.70 shall be annually raised and levied in the same manner as the taxes are levied by a special rate over and above all other rates upon the whole rateable property of the said township of Springer in each year for the period of twenty years after the date of the final passing of this by-law, during which the said debentures have to run, excepting in the years 1900, 1905, 1910 and 1915, when the sum required to be raised shall be $561.69, and the said sum of $561.70, or $561.69, as the case may be, shall in each year be appropriated to the payment of the said debentures and interest as follows:—

	Interest.	Principal.	Total.
In the year 1896..	$350 02	$211 68	$561 70
In the year 1897..	339 45	222 25	561 70
In the year 1898..	328 32	233 38	561 70
In the year 1899..	316 63	245 07	561 70
In the year 1900..	304 37	257 32	561 69
In the year 1901..	291 50	270 20	561 70
In the year 1902..	277 99	283 71	561 70
In the year 1903..	263 85	297 85	561 70
In the year 1904..	248 95	312 76	561 70
In the year 1905..	233 25	328 44	561 69
In the year 1906..	216 88	344 82	561 70
In the year 1907..	199 59	362 11	561 70
In the year 1908..	181 53	380 17	561 70
In the year 1909..	162 49	399 21	561 70
In the year 1910..	142 53	419 16	561 69
In the year 1911..	121 61	440 09	561 70
In the year 1912..	99 56	462 14	561 70
In the year 1913..	76 46	485 24	561 70
In the year 1914..	51 24	509 46	561 70
In the year 1915..	26 66	534 94	561 69

6. That this by-law shall take effect on the fourteenth day of January, 1895.

7. That the vote of the electors of the said municipality shall be taken on this by-law on Monday, the 7th day of

January, 1895, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day at McGrath's Hall, in the unincorporated village of Sturgeon Falls, and at the Nesbitt boarding house, in the unincorporated village of Cache Bay, and J. D. Cockburn shall be, and is hereby appointed returning officer for the said polling place at the said unincorporated village of Sturgeon Falls, and Onesime Lafrance shall be, and is hereby appointed returning officer for the said polling place at the said unincorporated village of Cache Bay.

8. That on Saturday, the fifth day of January, 1895, at the hour of ten o'clock in the forenoon, at the office of the reeve, in the said unincorporated village of Sturgeon Falls, shall be the time and place when and at which persons will be appointed by the reeve to attend at the said polling places, and at the final summing up of the votes by the clerk of the said municipality on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

9. That the clerk of the said municipality shall on the 7th day of January, 1895, at the hour of seven o'clock in the afternoon, at the said polling place, in the said unincorporated village of Sturgeon Falls, in the said municipality, sum up the number of votes given for and against this by-law.

Read a first and second time this 7th day of December, 1894.

NOTICE.

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration by the municipal corporation of the township of Springer, and which, in the event of the assent of the electors of the said township being obtained thereto, will be finally considered in council and passed by the said municipal council on the fourteenth day of January, 1895.

And take notice that at the hour, day and places in the above by-law fixed for the taking of the votes of the electors the poll will be held.

Dated at the clerk's office, township of Springer, this 7th day of December, 1894.

The first publication of this by-law in the newspaper was on the thirteenth day of December, 1894.

Passed on the 14th day of January, A.D., 1895.

T. A. LEVIS,
Reeve.

O. LAFRANCE,
Township Clerk.

We, the undersigned, reeve and clerk of the township of Springer, certify the above is a true and correct copy of a by-law passed in council of the township of Springer on the 14th January, A D., 1895.

JAMES HOLDITCH,
Reeve.

G. A. MCGRATH,
Clerk.

No. 63

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act to confirm a certain by-law of the Township of Springer.

First Reading, 1895.

(Private Bill.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63.] **BILL.** [1895.

An Act to confirm a certain By-law of the Township of Springer.

Preamble. WHEREAS the corporation of the township of Springer in the district of Nipissing has represented that important industrial and commercial advantages would result to the inhabitants of the said township and of the surrounding district, from the erection and operating of a pulp mill on the Sturgeon river at the unincorporated village of Sturgeon Falls, within the said township; that the said river affords ample water power for milling purposes, which power is at present unutilized; that the said river is navigable for lake steamers up to the point at which it is proposed that a pulp mill be established; that a wide area of the township and district aforesaid produces an abundant and easily obtainable supply of the various kinds of wood constituting the raw material used in the preparation of pulp; that such preparation of pulp is an industry of rapidly increasing importance, and that at present the said raw material available in the township and district aforesaid can only be utilized by exportation from this province; and whereas the corporation of the township of Springer aforesaid, after submitting the same to the ratepayers qualified to vote on money by-laws on the 7th day of January, 1895, did pass a by-law numbered 130 on the 14th day of January, 1895, which by-law is set forth in schedule A to this Act in full, the said by-law being one providing for the raising by way of loan, upon the security of debentures of the said township, the sum of $7.000, to be paid by way of bonus to any person or persons with whom satisfactory arrangements can be made to erect and operate a pulp mill as aforesaid; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas no opposition has been offered to the said petition; and whereas the case of the said township of Springer is, for the reasons aforesaid, exceptional, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 130 confirmed.

1. The said by-law of the corporation of the township of Springer numbered 130, in the year 1895, and set forth in full in the schedule A to this Act is hereby confirmed and declared legal, valid and binding.

SCHEDULE A.

By-Law No. 130.

A by-law to provide for raising, by way of loan upon the security of debentures of the township of Springer, in the district of Nipissing, the sum of $7,000, for the purpose of assisting any person or persons with whom suitable arrangements can be made, to erect and work a pulp mill at the unincorporated village of Sturgeon Falls in the said township.

Whereas, in the opinion of the municipal council of the corporation of the township of Springer, it is expedient to raise the sum of $7,000 on the credit of the said municipality, to be paid by way of bonus, to any person or persons with whom satisfactory arrangements can be made to erect and operate a pulp mill on the Sturgeon river, at the unincorporated village of Sturgeon Falls ;

And whereas, for the repayment of the said sum of $7,000, it is proposed to issue debentures of the said township of Springer, payable with interest at the rate of five per cent. per annum, in twenty annual instalments, such that the aggregate amount payable for principal and interest in any one year of the said twenty years shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of such period ;

And whereas the total amount required to be annually raised by special rate during the said period of twenty years for paying the said debentures and interest is $561.70, excepting in the years 1900, 1905, 1910 and 1915, when the amount required to be raised will be $561.69 ;

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, being for the year 1894, is $76,922 ;

And whereas the amount of the existing debenture debt of the said municipality is $3,000, of which no part of the principal or interest is in arrears ;

Be it therefore enacted, and it is hereby enacted by the municipal council of the township of Springer, pursuant to the provisions of the statutes in that behalf :

1. That the reeve of the said township may borrow, on the credit of the corporation of the said township of Springer, the sum of $7,000, being the amount necessary to pay the said bonus and to secure the repayment of the said sum of money, may issue debentures of the said corporation in the amounts and payable in the manner hereinafter specified.

2. That the said debentures, both as to principal and interest, shall be payable at the bank of Ontario, at the town of Sudbury, and shall be dated the fifteenth day of January, A.D. 1895, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of five per cent. per annum from the said date, and shall be payable on the fifteenth day of January in each year during the currency of each debenture..

3. It shall be lawful for the reeve of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures.

4. The amount of the said debentures, and the date at which they shall be respectively payable, shall be as follows:

(1) For the sum of $211.68, payable on the fifteenth day of January, 1896.

(2) For the sum of $222.25, payable on the fifteenth day of January, 1897.

(3) For the sum of $233.38, payable on the fifteenth day of January, 1898.

(4) For the sum of $245.07, payable on the fifteenth day of January, 1899.

(5) For the sum of $257.32, payable on the fifteenth day of January, 1900.

(6) For the sum of $270.20, payable on the fifteenth day of January, 1901.

(7) For the sum of $283.71, payable on the fifteenth day of January, 1902.

(8) For the sum of $297.85, payable on the fifteenth day of January, 1903.

(9) For the sum of $312.76, payable on the fifteenth day of January, 1904.

(10) For the sum of $328.44, payable on the fifteenth day of January, 1905.

(11) For the sum of $344.82, payable on the fifteenth day of January, 1906.

(12) For the sum of $362.11, payable on the fifteenth day of January, 1907.

(13) For the sum of $380.17, payable on the fifteenth day of January, 1908.

(14) For the sum of $399.21, payable on the fifteenth day of January, 1909.

(15) For the sum of $419.16, payable on the fifteenth day of January, 1910.

(16) For the sum of $440.09, payable on the fifteenth day of January, 1911.

(17) For the sum of $462.14, payable on the fifteenth day of January, 1912,

(18) For the sum of $485.24 payable on the fifteenth day of January, 1913.

(19) For the sum of $509.46 payable on the fifteenth day of January, 1914.

(20) For the sum of $534.94 payable on the fifteenth day of January, 1915.

For the purpose of paying the said debentures and the interest of the same during the currency thereof, the sum of $561.70 shall be annually raised and levied in the same manner as the taxes are levied by a special rate over and above all other rates upon the whole rateable property of the said township of Springer in each year for the period of twenty years after the date of the final passing of this by-law, during which the said debentures have to run, excepting in the years 1900, 1905, 1910 and 1915, when the sum required to be raised shall be $561.69, and the said sum of $561.70, or $561.69, as the case may be, shall in each year be appropriated to the payment of the said debentures and interest as follows:—

	Interest.	Principal.	Total.
In the year 1896..	$350 02	$211 68	$561 70
In the year 1897..	339 45	222 25	561 70
In the year 1898..	328 32	233 38	561 70
In the year 1899..	316 63	245 07	561 70
In the year 1900..	304 37	257 32	561 69
In the year 1901..	291 50	270 20	561 70
In the year 1902..	277 99	283 71	561 70
In the year 1903..	263 85	297 85	561 70
In the year 1904..	248 95	312 76	561 70
In the year 1905..	233 25	328 44	561 69
In the year 1906..	216 88	344 82	561 70
In the year 1907..	199 59	362 11	561 70
In the year 1908..	181 53	380 17	561 70
In the year 1909..	162 49	399 21	561 70
In the year 1910..	142 53	419 16	561 69
In the year 1911..	121 61	440 09	561 70
In the year 1912..	99 56	462 14	561 70
In the year 1913..	76 46	485 24	561 70
In the year 1914..	51 24	509 46	561 70
In the year 1915..	26 66	534 94	561 69

6. That this by-law shall take effect on the fourteenth day of January, 1895.

7. That the vote of the electors of the said municipality shall be taken on this by-law on Monday, the 7th day of January, 1895, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day at McGrath's Hall, in the unincorporated village of Sturgeon Falls, and at the Nesbitt boarding house, in the unincorporated village of Cache Bay, and J. D. Cockburn shall be, and is hereby appointed returning officer for the said polling place at the said unincorporated village of Sturgeon Falls, and Onesime Lafrance shall be, and is hereby appointed returning officer

for the said polling place at the said unincorporated village of Cache Bay.

8. That on Saturday, the fifth day of January, 1895, at the hour of ten o'clock in the forenoon, at the office of the reeve, in the said unincorporated village of Sturgeon Falls, shall be the time and place when and at which persons will be appointed by the reeve to attend at the said polling places, and at the final summing up of the votes by the clerk of the said municipality on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

9. That the clerk of the said municipality shall on the 7th day of January, 1895, at the hour of seven o'clock in the afternoon, at the said polling place, in the said unincorporated village of Sturgeon Falls, in the said municipality, sum up the number of votes given for and against this by-law.

Read a first and second time this 7th day of December, 1894.

NOTICE.

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration by the municipal corporation of the township of Springer, and which, in the event of the assent of the electors of the said township being obtained thereto, will be finally considered in council and passed by the said municipal council on the fourteenth day of January, 1895.

And take notice that at the hour, day and places in the above by-law fixed for the taking of the votes of the electors the poll will be held.

Dated at the clerk's office, township of Springer, this 7th day of December, 1894.

The first publication of this by-law in the newspaper was on the thirteenth day of December, 1894.

Passed on the 14th day of January, A.D., 1895.

T. A. LEVIS,
Reeve.

O. LAFRANCE,
Township Clerk.

We, the undersigned, reeve and clerk of the township of Springer, certify the above is a true and correct copy of a by-law passed in council of the township of Springer on the 14th January, A.D., 1895.

JAMES HOLDITCH,
Reeve.

G. A. MCGRATH,
Clerk.

No. 63

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act to confirm a certain by-law of the Township of Springer.

First Reading, 22nd March, 1895.

(*Reprinted as amended in Private Bills Committee.*)

Private Bill.

Mr. LOUGHRIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 64.] **BILL.** [1895.

An Act respecting the Town of Port Arthur.

Preamble.

WHEREAS, the council of the corporation of the town of Port Arthur has by its petition represented that it is expedient to declare that the provisions of section 34 of chapter 185 of the Revised Statutes of Ontario did not since the Act of 51 Victoria, chapter 57, nor shall hereafter apply to the said town; that all assessment rolls finally passed of the said town should be confirmed and validated; that it would expedite and facilitate the working of the electric street railway of the said town and all municipal systems of lighting in the said town if the same were operated by commissioners; that it is expedient that the said corporation should have power to sell or lease the said railway and system of lighting and the works in connection therewith, and that the said corporation should be vested with the several powers and should obtain the requirements and declarations hereinafter mentioned; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the consent and advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of lands for arrears of taxes.

1. Section 34 of chapter 185 of the Revised Statutes of Ontario did not since the Act of 51 Victoria, chapter 57, nor shall hereafter apply to the said town; and sales of lands for arrears of taxes in the said town may take place at any season of the year, nor shall it be necessary that any advertisement of any proposed sale of lands for arrears of taxes in the said town be published other than in the *Ontario Gazette* and a local newspaper.

Assessment rolls validated and sales of

2. All assessment rolls of the said town heretofore finally passed, and all sales of lands in the said town for arrears of taxes heretofore had are hereby confirmed and validated, and

lands for arrears of taxes confirmed.

notwithstanding the advertisement of any proposed sale heretofore had was not published in a newspaper in the city of Toronto designated by the Lieutenant-Governor in council, referred to in section 34 of chapter 185 of the said Revised Statutes of Ontario.

Commissioners to operate corporation's railway and lighting system to be appointed. 55 V. c. 42.

3.—(1) The council of the said town may by by-law assented to by the electors, being the ratepayers referred to in section 308 (1) of *The Consolidated Municipal Act 1892*, entitled to vote on by-laws requiring the assent of the electors, provide for the election of commissioners to operate the said railway and system of lighting and the works in connection therewith, with the powers, rights, authorities and immunities conferred upon the said corporation in respect of the said railway and system of lighting.

(2) Upon the election of commissioners all powers, rights, authorities or immunities which under any Act might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation, shall be duly exercised by the commissioners and the officers appointed by the commissioners, and the council thenceforth during the continuance of the board of commissioners shall have no authority in respect of such works.

(3) Any officer or employee appointed or employed by the council in or about the construction or management of the works shall be continued until removed by the commissioners unless his engagement be sooner terminated.

4. Nothing herein contained shall be construed to divest the council of its authority with reference to providing moneys required in respect of such works, and the treasurer of the corporation shall, upon the written certificate of the commissioners, pay out any moneys so provided.

Number and qualification of commissioners.

5.—(1) The commissioners shall consist of a board of three of whom the mayor shall *ex officio* be one, and the said commissioners, other than the mayor, shall be elected annually at the same time and in the same manner as the mayor, but after the first election the commissioner receiving the greater number of votes shall hold office for two years, and the commissioner receiving the lesser number of votes shall hold office for one year, so that each year after the first election one commissioner shall retire from office and a new commissioner be elected for two years, but the retiring commissioner shall be eligible for re-election; but in case of an equality of votes at the first election the council shall, by by-law, declare which of the two commissioners elected shall hold office for one year only, and where a vacancy from any cause, except effluxion of time, occurs in the board, then a commissioner, who shall hold

office during the remainder of the term for which his predecessor was appointed, shall be immediately appointed by the council.

(2) A majority of the commissioners shall constitute a quorum for the transaction of business within the authority of the board.

(3) Each of the commissioners so elected or appointed shall, during the whole period of his term of office, have the same property qualification as is required of a ratepayer referred to in section 308 (1) of *The Consolidated Municipal Act 1892*, to vote on by-laws requiring the assent of the electors. 55 V. c. 42.

(4) Every commissioner shall before taking office make an oath of qualification before and file the same with the clerk of the corporation.

(5) The place of commissioner shall become vacant from the same causes as a seat of a member of the council of the corporation.

Salary of commissioners.

6. The salary (if any) of the commissioners shall from time to time be fixed by the council, but no member of the council, except the mayor, shall at the same time be a member of the board of commissioners.

No commissioner to be interested in contracts.

7. No commissioner shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same, or any of them.

Commissioners to keep accounts.

8.—(1) The commissioners shall keep, or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said railway and of the said system of lighting, and all such books shall be open to the examination of any person appointed for that purpose by the council.

(2) The commissioners, on or before the 15th day of December in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing separate statements of the affairs of the said railway and of the said system of lighting, and which statements shall respectively show the receipts and expenditures arising from the works, and the rents, issues and profits thereof respectively, the value of the real and personal property belonging to the respective works, the amount of debentures then issued and remaining unredeemed and uncancelled and the interest paid thereon or yet due and unpaid, and the state of the sinking fund, the expense of management and all other contingencies, the salaries of officers and servants, the cost of repairs, improvements and alterations, the price paid for or in respect of the acquisition of real or personal property that may be acquired or required for the use of the respective works, and generally

such statement of the revenue and expenditure of the respective works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the respective works.

(3) The commissioners shall also, from time to time, furnish such information as may be required by the council.

(4) All the accounts relating to the respective works shall be audited by the auditors of the corporation in regular course, and the commissioners and all other officers shall furnish to the auditors such information and assistance as may be in their power to enable the auditors to properly audit such accounts.

Commissioners and clerks to be sworn.

9. The commissioners and the clerks employed in their service shall be sworn before the clerk of the corporation to the faithful performance of their duties.

Commissioners to keep books.

10. The commissioners shall keep books for the purpose of recording the whole of their official proceedings separately with respect to the said railway and the said system of lighting, and such books shall be open for inspection in the same manner as the books heretofore mentioned.

Moneys to be paid to municipal treasurer

11. At least quarterly, or so much oftener as the council may direct, all moneys collected, less disbursements by the commissioners, shall be paid over by the commissioners to the town treasurer, and shall be by him placed to the credit of the several accounts of the said railway and the said system of lighting.

Manufacturing and supplying electricity. R.S.O. 191.

12. The corporation of the town of Port Arthur shall, in addition to the powers conferred by *The Municipal Light and Heat Act*, or any other Act, have power to produce, manufacture and use, and supply to others to be used, electricity for motive power and for any other purpose to which the same can be applied, and also to fix rates and charges therefor and collect the same, and also to acquire and hold lands, water powers, machinery and all other property, easements and privileges necessary therefor, and shall for and with respect to such powers and purposes, or any of them, have all and every the powers which are by the said Act conferred on municipal corporations with respect to light and heat.

Power to sell or lease railway or system of lighting.

13. Subject to the provisions of any by-law passed by the council of the said town, and assented to by the electors (referred to in section 3 (1) of this Act), the corporation of the said town may sell or lease the said railway and system of lighting, or either of them.

No. 64.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Port Arthur.

First Reading, 1895.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 64.] **BILL.** [1895.

An Act respecting the Town of Port Arthur.

Preamble.

WHEREAS, the council of the corporation of the town of Port Arthur has by its petition represented that it is expedient to declare that the provisions of section 34 of chapter 185 of the Revised Statutes of Ontario *have* not since the Act of 51 Victoria, chapter 57 *applied*, nor shall hereafter apply to the said town; that all assessment rolls finally passed of the said town should be confirmed and validated; and no objection thereto has been made on the part of any ratepayer; and whereas by the said petition it has been further represented that it would expedite and facilitate the working of the electric street railway of the said town and all municipal systems of lighting in the said town if the same were operated by commissioners; that it is expedient that the said corporation should have power to sell or lease the said railway and system of lighting and the works in connection therewith, and that the said corporation should be vested with the several powers and should obtain the requirements and declarations hereinafter mentioned; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the consent and advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of lands for arrears of taxes.

1. Section 34 of chapter 185 of the Revised Statutes of Ontario *has* not since the Act of 51 Victoria, chapter 57 *applied*, nor shall hereafter apply to the said town; and sales of lands for arrears of taxes in the said town may take place at any season of the year, nor shall it be necessary that any advertisement of any proposed sale of lands for arrears of taxes in the said town be published other than in the *Ontario Gazette* and a local newspaper.

Assessment rolls validated and sales of

2. All assessment rolls of the said town heretofore finally passed, in so far as they affect lands sold for taxes, and all sales of lands in the said town for arrears of taxes heretofore had are hereby confirmed and validated, and notwithstanding the advertisement of any proposed sale heretofore had was not published in a newspaper in the city of Toronto designated by the Lieutenant-Governor in council,

referred to in section 34 of chapter 185 of the said Revised Statutes of Ontario, but nothing in this or the preceding section shall affect any action or proceeding now pending.

3. The council of the said town may by by-law authorize the election of three commissioners to be styled and known as "Electric Railway and Light Commissioners," the said election to be held and carried on in all respects as the election of the mayor. The ratepayers entitled to vote for the election of said commissioners shall be such only as are entitled under section 308, subsection 1 thereof, of *The Consolidated Municipal Act, 1892*, to vote on any money by-law.

4. The said commissioners shall be elected for three years, subject to the following provisions: On the first election held under the next preceding section the commissioners shall hold office as follows:—The one receiving the highest number of votes shall be elected for three years; the one receiving the second highest number of votes shall be elected for two years; the one receiving the third highest number of votes shall retire at the end of one year; but any commissioner shall at the expiration of his term of office be eligible for re-election. In case it appears upon the casting up of votes as aforesaid that two or more candidates have an equal number of votes, the clerk of the municipality or other person appointed by by-law to discharge the duties of clerk in his absence or on account of his incapacity through illness and whether otherwise qualified or not shall at the time he declares the result of the poll give a vote for one or more of such candidates so as to decide the election. Such commissioners shall in all respects, so far as pertains to their office, be subject to all the statutory qualifications and regulations governing municipal councillors.

5. The duties to be performed and exercised by the said commissioners shall be:—

(*a*) To have all control and supervision over the maintenance and operation of the electric railway and electric light.

(*b*) To see that all receipts from the electric railway and all rents and other receipts arising from the leasing or sale of electric light or power to any person or persons are duly accounted for and paid into the hands of the town treasurer forthwith.

(*c*) To audit and certify all accounts for supplies and wages of said railway or lighting system during each and every month and cause the same to be filed in duplicate with the town clerk on or before the 6th day of the following month.

(*d*) To file with the said clerk not later than 12 o'clock noon on the second Monday in each month a full and detailed report of the state and condition of the said railway and light system together with all matters pertaining to the working thereof.

No. 64.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Town of Port Arthur.

First Reading, 19th March, 1895.

(*Re-printed as amended by Private Bills Committee.*)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 65.] BILL. [1895.

An Act to confirm certain By-laws of the Township of Sarnia.

Preamble.

WHEREAS the Government of the Province of Ontario did, between the years 1874 and 1878, under the provisions of *The Ontario Drainage Act*, construct certain drains in the township of Sarnia known as "The Pulse Creek Drain" and "The Perche Creek Drain"; and whereas it has become necessary to repair and greatly enlarge the said drains; and whereas the corporation of the township of Sarnia did, on the twenty-first day of December, one thousand eight hundred and ninety-four, pass a by-law to raise money for the reparation and enlargement of the Pulse Creek drain, and the said corporation did on the fourteenth day of November, one thousand eight hundred and ninety-four, pass a by-law to raise money for the reparation and enlargement of the Perche Creek drain, which said by-laws were duly registered in the registry office of the county of Lambton, and due notice of such registration was given in accordance with the provisions of *The Consolidated Municipal Act, 1892*; and whereas it was intended that the said works should be done by a dredge, but it has been found that this cannot be done in that way so as to be in strict conformity with the specifications set out in the said by-laws; and whereas by inadvertence the profiles for a portion of the said works differ from the specifications, which are correct, and it is desirable that where the said specifications do not agree with the profiles the former shall govern; and whereas the said works will have to be carried across the lands of the Grand Trunk Railway Company, and it is desirable that the said corporation may, under the provisions of section 85 of *The Drainage Act, 1894*, without the consent in writing required by sub-section 2 of the said section, enter into an agreement with the company for the construction by the company of the work necessary to be done on their said lands; and whereas technical or other objections may be taken to the said by-laws which would tend to depreciate the value of the debentures to be issued under the same; and whereas the said petitioners have prayed for an Act to authorize the said works to be done by a dredge as hereinafter set forth, and to declare that where the specifications for the said works differ from the profiles the specifications shall govern, and to authorize the petitioners to enter

into a contract with the Grand Trunk Railway Company under said section 85 without the request required by said sub-section, and to validate, confirm and legalize the said by-laws as varied by this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Manner of constructing Pulse Creek and Perche Creek drains.

1. Notwithstanding anything in the said by-laws contained it shall be lawful for the corporation of the township of Sarnia to do the works authorized by the said by-laws so that the bottom width of the excavation shall not be less than that set forth in the specifications for the work, but the excavation shall in all respects be equivalent to a drain with side slopes of one foot horizontal to one foot vertical having regard to the depths as required by the profiles for the work, and the side slopes of the drain or excavations shall not be steeper than has been usual in works of the same character excavated with a dredge.

Specifications to govern construction.

2. Whenever the specifications for the said works differ from the profiles the specifications shall govern and be followed.

Agreement with the Grand Trunk R. W. Co. for construction of drain on their lands.

3. The corporation of the township of Sarnia may, under the provisions of section 85 of *The Drainage Act, 1894*, without the consent in writing required by sub-section 2 of the said section, enter into an agreement with the Grand Trunk Railway Company of Canada for the construction by the company of the work necessary to be done on the lands of the company, and the said corporation shall have the right to assess for the cost thereof and all other rights set forth in said section.

By-laws confirmed.

4 The by-laws passed by the corporation of the township of Sarnia and intituled respectively, "A by-law to repair enlarge and improve the Pulse drain in the township of Sarnia and to borrow on the credit of the municipality the sum of six thousand four hundred and fifty dollars ($6,450.00), being the amount charged against the lands and roads in the township of Sarnia," and "A by-law to repair, enlarge and improve the Perche drain in the township of Sarnia and to borrow on the credit of the municipality the sum of fifteen thousand and seventy-five dollars ($15,075.00), being the amount charged against the lands and roads in the township of Sarnia," as varied by this Act and all debentures that may hereafter be issued under the said by-laws, or either of them, are hereby declared legal, binding and valid.

No. 65.

1st Session, 8th Legislature, 58 Vict., 1894.

BILL.

An Act to confirm certain By-laws of the Township of Sarnia.

First Reading, 1895.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 66.] **BILL.** [1895.

An Act respecting The Georgian Bay Ship Canal and Power Aqueduct Company.

Preamble.

WHEREAS, The Georgian Bay Ship Canal and Power Aqueduct Company have, by their petition, prayed that an Act may be passed to amend their Act of Incorporation passed in the 57th year of Her Majesty's reign, chaptered 97, so as to extend the time for commencement of the work of construction, to alter and enlarge the borrowing powers of the company, and to more clearly define the powers of the company in other respects, and also to ratify and confirm certain contracts or agreements made between the company and other companies or corporations; and whereas, it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

57 V. c. 97, s. 2, repealed.

1. Section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 97, is repealed and the following substituted therefor:—

Powers as to construction of ship canal and aqueduct.

2.—(1) The company shall have power under this Act to lay out, construct, equip, maintain and operate from some point on Lake Ontario within the county of York, to some point on the Georgian bay, a ship canal for the purpose of conveying vessels, barges and other water craft and their passengers and cargoes from the upper lakes to Lake Ontario; and to lay out, construct, equip, maintain and operate a power aqueduct or aqueducts from some point or points on Lake Ontario within the county of York, to some point or points on the Georgian bay or Lake Simcoe, or to some intermediate point or points, and by the water conveyed by the said aqueduct or aqueducts or the said ship canal to generate or develop electricity or electric energy, and to sell or otherwise dispose thereof for heat, light, power and other purposes, and to supply municipalities and the inhabitants thereof with water for domestic use, fire protection and other purposes upon such terms and conditions as may be agreed upon; and to charge and collect such tolls or rates from all persons, firms and corporations using the said canal or any other works authorized by this Act or the productions of such works as to the said company may seem meet.

Powers of company.

(2 The company shall have power and authority under this Act :—

Receiving gifts of land.

(*a*) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the ship canal or the power aqueduct, or either of them, but the same shall be held and used for the purpose of such grants or donations only.

Purchasing lands.

(*b*) To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the ship canal or the power aqueduct or either of them, and also to alienate, sell or dispose of the same.

Carrying works across lands.

(*c*) To make, carry or place the said ship canal or power aqueduct, or either of them, across or upon the lands of any corporation or person on the line thereof, or within a reasonable distance from such line, although through error or other cause the name of such party has not been entered in the book of reference, or although some other party has been erroneously mentioned as the owner of, or entitled to convey, or is interested in, such lands.

Constructing necessary works.

(*d*) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the works authorized by this Act, in pursuance of and according to the meaning and intent of this Act.

57 V. c. 97, s. 4, amended.

2. Section 4 of the said Act is amended by striking out all the words of the said section after the word "municipality" where it occurs in the 15th line thereof.

57 V. c. 97, s. 6, amended.

3. Section 6 of the said Act is hereby amended by striking out all the words of the said section after the word "director" where it occurs in the 26th line thereof.

57 V. c. 97, s. 10, repealed.

4. Section 10 of the said Act is hereby repealed and the following substituted therefor :—

Borrowing powers.

10. In case a by-law authorizing the same is or has been heretofore sanctioned by a vote of not less than two-thirds in value of the shareholders then present, in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow from time to time, either in this province or elsewhere, upon the credit of the company, such sum or sums of money as may be deemed expedient for completing, maintaining and working the said ship canal and power aqueduct or either of them, and at a rate of interest authorized by the laws of Canada, but not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed payable either in Canadian currency or in sterling or in the currency of any foreign state or states, and at such place or places within this

province, or without, as may be deemed advisable, and may sell the same at such prices or discount as may be deemed expedient, or be necessary, and may hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the company already acquired or to be acquired for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than $100. The company may from time to time, for advances of money to be made thereon, hypothecate, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the construction of the said canal and power aqueduct, or either of them, or otherwise. The company shall not have power without the consent of the Lieutenant-Governor in Council to issue bonds, debentures or other securities under this section for a greater amount than double the paid-up capital of the company. The power of issuing bonds, debentures or other securities hereunder shall not be construed as being exhausted by such issue having been made to the authorized limit, but such power may be exercised from time to time upon the bonds, debentures or other securities constituting such issue or re-issue hereunder being withdrawn or paid off and duly cancelled.

57 V. c. 97, s. 11, amended.

5. Section 11 of the said Act is hereby amended by striking out all the words after the word "Ontario" in the 25th line thereof.

57 V. c. 97, s. 20, amended.

Diversion of highways.

6. Section 20 of the said Act is hereby amended by adding at the end thereof the following words:—"Provided always that if by a reasonable diversion of the said highway the public interest will be sufficiently served, the company may, at its own expense, make such diversion in a manner satisfactory to the council of the said municipality, or, in the event of disagreement, to the satisfaction of the Lieutenant-Governor in Council."

57 V. c. 97, s. 21, amended.

7. Section 21 of the said Act is hereby amended by striking out the words "one year" where they occur in the 2nd line thereof, and by inserting in their place the words "two years"; also by striking out all the words after the word "years" where it occurs in the 3rd line thereof down to and inclusive of the word "years" where it occurs in the 4th line thereof.

57 V. c. 79, s. 24, repealed.

8. Section 24 of the said Act is hereby repealed.

Purchasing stock in other companies.

9. The company may invest any portion of its funds in the purchase of shares in any other incorporated company having similar objects; or may establish or buy out and carry on any metal smelting or other business that would tend to promote the use of electric energy or water.

Application of 55 V. c. 48, s. 29, and s. 34, s.-s. 2.

10. Subject to the other provisions of this Act, section 29 and sub-section 2 of section 34 of *The Consolidated Assessment Act 1892*, shall apply to this Act and to the company.

Increasing capital stock.

11. Capital stock of the company may from time to time be increased by by-law sanctioned by three-fourths in value of shareholders and by the Lieutenant-Governor in Council, and the increased capital may consist of ordinary or preferred shares to be issued upon such special terms as the by-law may provide.

Securing dividends on preferred stock.

12. The company may, by by-law sanctioned by three-fourths in value of shareholders, secure dividends on all preferred stock issued at the date of the passing of such by-law, or on any portion of preferred stock to be issued, by setting apart the revenues of any aqueduct of the company or branch thereof, subject to the bonded indebtedness of such aqueduct or branch thereof.

Laying down wires for distribution of electricity in city of Toronto.

13. The company may construct, lay down and operate underground wires, conduits and appliances for the distribution and supply of electricity in the city of Toronto, and may take up, renew, alter and repair the same, and for that purpose from time to time, under the supervision of the city engineer, and to his satisfaction, make such openings in, upon and along the streets, lanes, parks and public places in the said city as may be found necessary or convenient for the purposes aforesaid, and shall thereafter fill all such openings and restore the road-bed as nearly as possible to the same condition in which it was before such openings were made.

Direction of city engineer.

(*a*) All such openings shall be made at such times and places and in such manner as the city engineer may from time to time direct.

Notice to be given to city engineer by company.

(*b*) When and so often as it may be necessary for the company, their successors or assigns, to make any such openings, they shall give at least ten days' notice in writing to the mayor and city engineer of their desire to make such openings, specifying therein the portion of the road-bed in which they desire such opening to be made

Prohibiting the opening up of streets for cause.

(*c*) The council of the corporation shall have the right to prohibit the company from making such opening in any street, lane, park or public place if there be any cause why such opening should not be made, and another street, lane or place whereby access to the locality desired to be reached is available.

Work to be carried to completion as soon as possible.

(*d*) The work aforesaid shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable despatch, due regard being had to the proper and efficient execution thereof; and in case the said openings that may be made by the company be not filled up and the said road-bed

restored as aforesaid within such time as the city engineer may by writing under his hand allow for the same, the corporation may proceed to fill up such opening and to restore the road-bed at the expense of the company, and the expense thereof shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand and recoverable with costs by action in any court of competent jurisdiction.

Company to indemnify city.

(*e*) The company shall indemnify the corporation for and in respect of all damages and costs that may be sustained by or to which the corporation may be put in consequence of opening up of any street, lane, park or public place aforesaid by the company, or in consequence of the road-bed not being restored to the same condition in which it was before such openings were made by the company as aforesaid, or otherwise by reason of the exercise by the company of the powers or privileges granted under this section.

Publication of notice in Ontario Gazette.

(*f*) Before selling or offering for sale any electricity or electric energy within the city of Toronto, the company shall by by-law establish a tariff of charges and publish the same in two consecutive issues of the *Ontario Gazette* and once a week for two consecutive weeks in one newspaper published in the said city; and the tariff of rates and charges so established shall not at any time be increased or exceeded without the approval of the city council or of the Lieutenant-Governor in council.

Approval of city council or ratepayers required.

14. The last preceding section shall have no force or effect whatsoever until the same shall have been approved by the council of the corporation of the city of Toronto or by a majority of the municipal electors for the said city of Toronto who shall vote upon the question of such approval as hereinafter provided.

Council to submit question of aproval of section 13 to ratepayers on petition being presented.

15. When a petition signed by one thousand electors entitled to vote at the municipal elections in the city of Toronto shall be presented to the mayor and council of the said city before the first of November in any year it shall be the duty of the said council to submit the question of the approval of the provisions of said section 13 to the vote of the said electors entitled to vote at the municipal elections, such votes to be taken on the first Monday in January following the presentation of such petition, and at the same time and places and by the same deputy or returning officers as are appointed for holding the regular municipal elections for the said city.

When question to be submitted.

16. If such petition so signed be presented to the said mayor and council in any year before the first day of October or after the first day of November it shall be the duty of the said council to forthwith submit the said question of the ap-

proval of said section 13 to the vote of the said municipal electors of the said city upon the request of the company, and upon the deposit by the company of three thousand dollars with the city treasurer to cover the cost of such special submission to the electors of said question.

Applications of provisions of 55 V. c. 42 to the taking of a vote.

17. All proceedings, regulations and penalties provided by *The Consolidated Municipal Act 1892*, and amendments thereto, for the conduct of municipal elections and for voting upon municipal by-laws so far as same are applicable, and except so far as is herein otherwise provided, shall apply *mutatis mutandis* to the taking of every vote upon the question of the approval of section 13 hereof, and to all officers and other persons engaged in taking such vote.

No voter to vote more than once.

18. At any such voting no person shall vote more than once upon the said question.

Right of city and company to contract not affected.

19. Nothing contained in the last preceding six sections shall in any way prejudice or limit the right of the corporation of the said city and the company to enter into any agreement that they might otherwise enter into.

Meaning of the "the company."

20. Where the words "the company" occur in this Act, or in the said Act of incorporation, they shall mean "The Georgian Bay Ship Canal and Power Aqueduct Company."

No. 66.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting The Georgian Bay Ship Canal and Power Aqueduct Company.

First Reading 1895.

(Private Bill.)

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 66.] BILL. [1895.

An Act respecting The Georgian Bay Ship Canal and Power Aqueduct Company.

Preamble.

WHEREAS, The Georgian Bay Ship Canal and Power Aqueduct Company have, by their petition, prayed that an Act may be passed to amend their Act of Incorporation passed in the 57th year of Her Majesty's reign, chaptered 97, so as to extend the time for commencement of the work of construction, to alter and enlarge the borrowing powers of the company, and to more clearly define the powers of the company in other respects, and also to ratify and confirm certain contracts or agreements made between the company and other companies or corporations; and whereas, it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

57 V. c. 97, s. 2, repealed.

1. Section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 97, is repealed and the following substituted therefor:—

Powers as to construction of ship canal and aqueduct.

2.—(1) The company shall have power under this Act to lay out, construct, equip, maintain and operate from some point on Lake Ontario within the county of York, to some point on the Georgian bay, a ship canal for the purpose of conveying vessels, barges and other water craft and their passengers and cargoes from the upper lakes to Lake Ontario; and to lay out, construct, equip, maintain and operate a power aqueduct from some point on Lake Ontario within the county of York, to some point on the Georgian bay or Lake Simcoe, and by the water conveyed by the said aqueduct or the said ship canal to generate or develop electricity or electric energy, and to sell or otherwise dispose thereof for heat, light, power and other purposes, and to supply municipalities and the inhabitants thereof with water for domestic use, fire protection and other purposes upon such terms and conditions as may be agreed upon; and to charge and collect such tolls or rates from all persons, firms and corporations using the said canal or any other works authorized by this Act or the productions of such works as to the said company may seem meet. The said company shall also have power to construct, equip, maintain

and operate a branch of the said aqueduct from the said main aqueduct from some point in the township of Vaughan so as to connect with either the river Humber or the river Don, and to extend the same to Lake Ontario, but such branch aqueduct shall not be constructed until the main aqueduct shall have been constructed so as to connect with and convey to the point aforesaid waters from Lake Simcoe or Georgian bay.

Consent of city of Toronto when required.

(2) None of the powers by this section conferred on the said company shall be exercised within the limits of the city of Toronto without the consent of the council thereof in that behalf.

Powers of company.

(3) The company shall have power and authority under this Act:—

Receiving gifts of land.

(*a*) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the ship canal or the power aqueduct, or either of them, but the same shall be held and used for the purpose of such grants or donations only.

Purchasing lands.

(*b*) To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the ship canal or the power aqueduct or either of them, and also to alienate, sell or dispose of the same.

Constructing necessary works.

(*c*) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the works authorized by this Act, in pursuance of and according to the meaning and intent of this Act.

57 V. c. 97, s. 4, amended.

2. Section 4 of the said Act is amended by striking out all the words of the said section after the word "municipality" where it occurs in the 15th line thereof.

57 V. c. 97, s. 10, repealed.

3. Section 10 of the said Act is hereby repealed and the following substituted therefor:—

Borrowing powers.

10. In case a by-law authorizing the same is or has been heretofore sanctioned by a vote of not less than two-thirds in value of the shareholders then present, in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow from time to time, either in this province or elsewhere, upon the credit of the company, such sum or sums of money as may be deemed expedient for completing, maintaining and working the said ship canal and power aqueduct or either of them, and at a rate of interest authorized by the laws of Canada, but not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed payable either in Canadian currency or in sterling or in the currency of any foreign state or states, and at such place or places within this

province, or without, as may be deemed advisable, and may sell the same at such prices or discount as may be deemed expedient, or be necessary, and may hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the company already acquired or to be acquired for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than $100. The company may from time to time, for advances of money to be made thereon, hypothecate, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the construction of the said canal and power aqueduct, or either of them, or otherwise. The company shall not have power without the consent of the Lieutenant-Governor in Council to issue bonds, debentures or other securities under this section for a greater amount than double the paid-up capital of the company. The power of issuing bonds, debentures or other securities hereunder shall not be construed as being exhausted by such issue having been made to the authorized limit, but such power may be exercised from time to time upon the bonds, debentures or other securities constituting such issue or re-issue hereunder being withdrawn or paid off and duly cancelled.

57 V. c. 97, s. 20, amended.

4. Section 20 of the said Act is hereby amended by adding at the end thereof the following words:—"Provided always that if by a reasonable diversion of the said highway the public interest will be sufficiently served, the company may, at its own expense, make such diversion in a manner satisfactory to the council of the said municipality, or, in the event of disagreement, to the satisfaction of the Lieutenant-Governor in Council."

Diversion of highways.

57 V. c. 97, s. 21, amended.

5. Section 21 of the said Act is hereby amended by striking out the words "one year" where they occur in the 2nd line thereof, and by inserting in their place the words "two years"; and by striking out the word "five" in the fourth line of the said section and inserting the word "six" in lieu thereof.

Application of 55 V. c. 48, s. 29, and s. 34, s.-s. 2.

6. Section 29 and sub-section 2 of section 34 of *The Consolidated Assessment Act, 1892*, shall apply to this Act and to the company.

Securing dividends on preferred stock.

7. The company may, by by-law sanctioned by three-fourths in value of shareholders, secure dividends on all preferred stock issued at the date of the passing of such by-law, or on any portion of preferred stock to be issued, by setting apart the revenues of any aqueduct of the company or branch thereof, subject to the bonded indebtedness of such aqueduct or branch thereof.

Meaning of the "the company."

8 Where the words "the company" occur in this Act, or in the said Act of incorporation, they shall mean "The Georgian Bay Ship Canal and Power Aqueduct Company."

No. 66.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting The Georgian Bay Ship Canal and Power Aqueduct Company.

First Reading, 12th March, 1895.

(Reprinted as amended by Private Bills Committee.)

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 67.] BILL. [1895.

An Act to authorize the Town of Carleton Place to issue certain Debentures.

Preamble.

WHEREAS, the corporation of the town of Carleton Place, in the county of Lanark, has by petition represented that it has a debt of $19,400 (exclusive of interest and debentures for school purposes) nearly all incurred for permanent improvements within the said town of which the sum of $18,200 is secured by debentures of the said corporation due and payable in the years 1895 to 1911, inclusive, with interest at the rate of five per centum per annum, and the balance of the said debt being $1,200 is a floating debt or liability; and whereas the said corporation has further represented that a by-law for issuing debentures for the sum of $25,000 has been passed for the purpose of purchasing fire appliances and erecting a town and fire-hall; and whereas the said corporation has further represented that none of the said outstanding debenture debt or interest is in arrear; and whereas the said corporation has further represented that the payments to be made on account of the said debenture debt outstanding and of the debentures authorized to be issued to pay $25,000 for the said fire appliances and town and fire-hall and the said floating debt during the ensuing years would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of $44,400 in the manner and according to the yearly amounts set forth in schedule A to this Act for the purpose of raising funds to pay the said floating debt of $1,200, and the said fire appliances and town and fire-hall of $25,000, and also to pay or replace and extend the time for payment of the said outstanding debentures maturing in the years aforesaid without providing a sinking fund or making other provision for the payment of the principal than is hereinafter provided, the interest to be levied by an annual special rate over and above all other rates on the rateable property of the said municipality, and the principal of the said consolidated debt to be similarly levied in the years in which said debentures therefore shall fall due respectively as set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Debts consolidated at $44,400.

1. The said debts of the said town of Carleton Place are hereby consolidated at the sum of $44,400.

Power to issue debentures for $44,400.

2. The said corporation may issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said town for the time being in such sums not exceeding $44,400 in the whole as the said corporation may by by-law from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place as the corporation may deem expedient.

Raising money on debentures.

3. The corporation of the said town may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of $44,400, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

Form of debentures.

4. The said debentures shall be for a sum of not less than $100 each, and shall be payable in the manner, to the amounts and at the times respectively set forth in the third and fourth columns of the said schedule A and not otherwise, but such debentures shall not be issued before the years mentioned in the first column of the said schedule A. Coupons shall be attached thereto for the payment of the interest there and such interest shall be payable in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum.

Interest coupons.

Special rate.

5. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

6. The said debentures and all moneys to arise therefrom shall be applied by the said corporation

(*a*) In payment of the said liability of $1,200, and

(*b*) In payment of fire appliances to be purchased as aforesaid and the erection of a town and fire-hall, $25,000, and

(*c*) In payment and redemption of outstanding debentures of said corporation to the amount of $18,200, and for no other purpose whatsoever.

7. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures authorized to be issued by this Act for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for. Calling in outstanding debentures.

8. The treasurer of the said corporation on receiving instructions from the said corporation so to do, shall pay off the said liability of $1,200 out of the proceeds of the debentures issued by authority or this Act in the year 1895, and out of the said proceeds shall also pay such sums as he may be ordered to pay, to the amount of $25,000, for fire appliances and for the erection of a town and fire-hall as provided by by-law of the said town, and also shall pay off any outstanding debentures and discharge the same with the funds from time to time raised under this Act, or he may substitute, with the consent of the holders thereof, for any outstanding debentures, according to the time, and for the yearly amounts only specified in said schedule A, the debentures, or any of them, authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures. Payment of present indebtedness.

9. The debentures to be issued under this Act may be in the form contained in schedule B to this Act. Form of debentures.

10. The by-law or the by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act. Form of by-laws.

11. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof. Irregularities in form not to invalidate debentures.

12. It shall not be necessary to obtain the assent of the electors or ratepayers of the said town of Carleton Place to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or any Act amending the same. Assent of electors not required.

School debentures.

13. Notwithstanding anything in this Act contained, all outstanding debentures which are school debentures or which have been issued for school purposes shall be provided for, retired and paid in all respects as if this Act had not been passed.

Indebtedness not discharged.

14. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Carleton Place from any indebtedness or liability which may not be included in said debt.

Short title.

15. This Act may be cited as "*The Town of Carleton Place Debenture Act, 1895.*"

SCHEDULE A.

Amount of Debentures authorized to be issued under this Act with year of issue and date of payment.

Year.	Amount.	Total issue repayable 1st of December.	
		Amount.	Year.
	$ c.	$ c.	
		700 00	1895
		700 00	1896
		700 00	1897
		800 00	1898
		900 00	1899
		1,000 00	1900
		1,000 00	1901
		1,100 00	1902
		1,100 00	1903
		1,200 00	1904
1895	26,200 00	1,200 00	1905
		1,300 00	1906
		1,400 00	1907
		1,400 00	1908
		1,500 00	1909
		1,600 00	1910
		1,600 00	1911
		1,700 00	1912
		1,700 00	1913
		1,800 00	1914
		1,800 00	1915
1895	900 00	1,800 00	1916
1896	900 00		
1897	1,000 00	1,600 00	1917
1898	600 00		
1898	500 00	1,600 00	1918
1899	1,100 00		
1900	1,200 00	1,900 00	1919
1901	700 00		
1901	600 00	2,000 00	1920
1902	1,400 00		
1903	1,400 00	2,100 00	1921
1904	700 00		
1904	700 00	2,200 00	1922
1905	1,500 00		
1906	1,600 00	2,400 00	1923
1907	800 00		
1907	800 00		
1908	1,000 00		
1909	200 00	2,600 00	1924
1910	300 00		
1911	300 00		

SCHEDULE B.

Carleton Place Debenture.

Province of Ontario.

Under and by virtue of *The Town of Carleton Place Debenture Act, 1895*, the corporation of the town of Carleton Place in the county of Lanark promises to pay the bearer at the sum of on the day of one thousand hundred and and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Carleton Place, Ontario, this day of A. D.

SCHEDULE C.

By-law to authorize the issue of debentures for the sum of dollars under the authority of *The Town of Carleton Place Debenture Act, 1895.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding forty-four thousand four hundred dollars in the whole as the corporation of the town of Carleton Place in the county of Lanark may in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of dollars payable with interest thereon at the rate of per centum per annum payable yearly according to the coupons of the said debentures attached; and whereas the amount of the whole rateable property of the said town of Carleton Place according to the last revised assessment roll of the said town being for the year one thousand was

Therefore the corporation of the said town enacts as follows:—

1. The debentures under the said Act and for the purposes therein mentioned to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum payable yearly on the .

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and ninety-five.

No. 67.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Town of Carleton Place to issue certain Debentures.

First Reading 1895.

(Private Bill.)

Mr. PRESTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 67.] **BILL.** [1895.

An Act to authorize the Town of Carleton Place to issue certain Debentures.

Preamble.

WHEREAS, the corporation of the town of Carleton Place, in the county of Lanark, has by petition represented that it has a debt of $19,400 (exclusive of interest and debentures for school purposes) nearly all incurred for permanent improvements within the said town of which the sum of $18,-200 is secured by debentures of the said corporation due and payable in the years 1895 to 1911, inclusive, with interest at the rate of five per centum per annum, and the balance of the said debt being $1,200 is a floating debt or liability; and whereas the said corporation has further represented that a by-law for issuing debentures for the sum of $25,000 has *with the assent of the ratepayers during the past year* been passed for the purpose of purchasing fire appliances and erecting a town and fire-hall; and whereas the said corporation has further represented that none of the said outstanding debenture debt or interest is in arrear; and whereas the said corporation has further represented that the payments to be made on account of the said debenture debt outstanding and of the debentures authorized to be issued to pay $25,000 for the said fire appliances and town and fire-hall and the said floating debt during the ensuing years would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of $44,-400 in the manner and according to the yearly amounts set forth in schedule A to this Act for the purpose of raising funds to pay the said floating debt of $1,200, and *the indebtedness incurred for defraying the cost of* the said fire appliances and town and fire hall of $25,000, and also to pay or replace and extend the time for payment of the said outstanding debentures maturing in the years aforesaid without providing a sinking fund or making other provision for the payment of the principal than is hereinafter provided, the interest to be levied by an annual special rate over and above all other rates on the rateable property of the said municipality, and the principal of the said consolidated debt to be similarly levied in the years in which said debentures therefor shall fall due respectively as set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Debts consolidated at $44,400.

1. The said debts of the said town of Carleton Place are hereby consolidated at the sum of $44,400.

Power to issue debentures for $44,400.

2. The said corporation may issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said town for the time being in such sums not exceeding $44,400 in the whole as the said corporation may by by-law from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place as the corporation may deem expedient.

Raising money on debentures.

3. The corporation of the said town may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of $44,400, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

Form of debentures.

4. The said debentures shall be for a sum of not less than $100 each, and shall be payable in the manner, to the amounts and at the times respectively set forth in the third and fourth columns of the said schedule A and not otherwise, but such debentures shall not be issued before the years mentioned in the first column of the said schedule A. Coupons shall be attached thereto for the payment of the interest there and such interest shall be payable in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum.

Interest coupons.

Special rate.

5. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

6. The said debentures and all moneys to arise therefrom shall be applied by the said corporation

(*a*) In payment of the said liability of $1,200, and

(*b*) In payment of fire appliances to be purchased as aforesaid and the erection of a town and fire-hall, $25,000, and

(*c*) In payment and redemption of outstanding debentures of said corporation to the amount of $18,200, and for no other purpose whatsoever.

7. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures authorized to be issued by this Act for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for. Calling in outstanding debentures.

8. The treasurer of the said corporation on receiving instructions from the said corporation so to do, shall pay off the said liability of $1,200 out of the proceeds of the debentures issued by authority or this Act in the year 1895, and out of the said proceeds shall also pay such sums as he may be ordered to pay, to the amount of $25,000, for fire appliances and for the erection of a town and fire-hall as provided by by-law of the said town, and also shall pay off any outstanding debentures and discharge the same with the funds from time to time raised under this Act, or he may substitute, with the consent of the holders thereof, for any outstanding debentures, according to the time, and for the yearly amounts only specified in said schedule A, the debentures, or any of them, authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures. Payment of present indebtedness.

9. The debentures to be issued under this Act may be in the form contained in schedule B to this Act. Form of debentures.

10. The by-law or the by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act. Form of by laws

11. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof. Irregularities in form not to invalidate debentures.

12. It shall not be necessary to obtain the assent of the electors or ratepayers of the said town of Carleton Place to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or any Act amending the same. Assent of electors not required.

School debentures.

13. Notwithstanding anything in this Act contained, all outstanding debentures which are school debentures or which have been issued for school purposes shall be provided for, retired and paid in all respects as if this Act had not been passed.

Indebtedness not discharged.

14. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Carleton Place from any indebtedness or liability which may not be included in said debt.

Short title.

15. This Act may be cited as "*The Town of Carleton Place Debenture Act, 1895.*"

SCHEDULE A.

Amount of Debentures authorized to be issued under this Act with year of issue and date of payment.

Year.	Amount.	Total issue repayable 1st of December.	
		Amount.	Year.
	$ c.	$ c.	
		700 00	1895
		700 00	1896
		700 00	1897
		800 00	1898
		900 00	1899
		1,000 00	1900
		1,000 00	1901
		1,100 00	1902
		1,100 00	1903
		1,200 00	1904
1895	26,200 00	1,200 00	1905
		1,300 00	1906
		1,400 00	1907
		1,400 00	1908
		1,500 00	1909
		1,600 00	1910
		1,600 00	1911
		1,700 00	1912
		1,700 00	1913
		1,800 00	1914
		1,800 00	1915
1895	900 00	1,800 00	1916
1896	900 00		
1897	1,000 00	1,600 00	1917
1898	600 00		
1898	500 00	1,600 00	1918
1899	1,100 00		
1900	1,200 00	1,900 00	1919
1901	700 00		
1901	600 00	2,000 00	1920
1902	1,400 00		
1903	1,400 00	2,100 00	1921
1904	700 00		
1904	700 00	2,200 00	1922
1905	1,500 00		
1906	1,600 00	2,400 00	1923
1907	800 00		
1907	800 00		
1908	1,000 00		
1909	200 00	2,600 00	1924
1910	300 00		
1911	300 00		

SCHEDULE B.

Carleton Place Debenture.

Province of Ontario.

Under and by virtue of *The Town of Carleton Place Debenture Act, 1895*, the corporation of the town of Carleton Place in the county of Lanark promises to pay the bearer at the sum of on the day of one thousand hundred and and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Carleton Place, Ontario, this day of A. D.

SCHEDULE C.

By-law to authorize the issue of debentures for the sum of dollars under the authority of *The Town of Carleton Place Debenture Act, 1895.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding forty-four thousand four hundred dollars in the whole as the corporation of the town of Carleton Place in the county of Lanark may in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of dollars payable with interest thereon at the rate of per centum per annum payable yearly according to the coupons of the said debentures attached; and whereas the amount of the whole rateable property of the said town of Carleton Place according to the last revised assessment roll of the said town being for the year one thousand was

Therefore the corporation of the said town enacts as follows:—

1. The debentures under the said Act and for the purposes therein mentioned to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum payable yearly on the

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and ninety-five.

No. 67.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to authorize the Town of Carleton Place to issue certain Debentures.

First Reading, 22nd March, 1895.

(*Reprinted as amended in Private Bills Committee.*)

Mr. PRESTON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 68.] **BILL.** [1895.

An Act to incorporate the Town of Sturgeon Falls.

Preamble.

WHEREAS that certain portion of the township of Springer, in the district of Nipissing, known as the village of Sturgeon Falls, is rapidly increasing in population, and by reason of its central location, agricultural surroundings and water power facilities, is likely to become an important business centre; and whereas the inhabitants of the said village have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Sturgeon Falls incorporated.

1. On and after the passing of this Act the said village of Sturgeon Falls shall be and is hereby constituted a corporation or body politic, under the name of the "Municipal Corporation of the Town of Sturgeon Falls," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws of the said province.

Limits of town.

2. The said town of Sturgeon Falls shall comprise and consist of the lands lying within the limits described as follows, that is to say: Lots numbers 3, 4 and 5 in the 1st concession, and the north halves of lots numbers 3, 4 and 5 in concession A of the said township of Springer, in the said district of Nipissing.

Wards.

3. The said town shall be divided into three wards, to be called respectively the "Michaud," "Holditch," and "Cockburn" wards, which several wards shall be respectively composed and bounded as follows:—

Michaud ward.

Michaud ward shall comprise and consist of the following lands, that is to say: Those parts of lots numbers 3 and 4 in concession 1 of the township of Springer, in the district of Nipissing, which may be more particularly known and de-

scribed as follows, that is to say: Commencing where the division line between the tier of lots fronting on Main and Toronto streets produced southerly would intersect the northerly limit of the right of way of the Canadian Pacific Railway as shown on a plan of the subdivision of township lot number 4 in concession 1 of the said township, registered in the registry office for the district of Nipissing; thence along the production northerly of the said division line to its intersection with the northerly limit of said township lot number 4; thence easterly along the northerly limits of the said townships lots numbers 4 and 3 to their intersection with the easterly limit of said township lot number 3; thence southerly along the said easterly limit to its intersection with the northerly limit of the right of way of the Canadian Pacific Railway; thence westerly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Holditch ward.

Holditch ward shall comprise and consist of the following lands, that is to say: Those parts of lots numbers 4 and 5 in concession 1 of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say: Commencing where the division line between the tier of lots fronting on Main and Toronto streets produced southerly would intersect the northerly limit of the right of way of the Canadian Pacific Railway as shown on a plan of the subdivision of township lot number 4 in concession 1 of the said township, registered in the registry office for the district of Nipissing; thence along the production northerly of the said division line to its intersection with the northerly limit of said township lot number 4; thence westerly along the northerly limits of said township lots numbers 4 and 5 to their intersection with the westerly limit of township lot number 5; thence southerly along the said westerly limit of township lot number 5 to its intersection with the northerly limit of the right of way of the Canadian Pacific Railway; thence easterly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Cockburn ward.

Cockburn ward shall comprise and consist of the following lands, that is to say: Those parts of lots 3, 4, and 5 in concession 1, and the northerly halves of lots 3, 4, and 5, in concession A of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say: Commencing at the intersection of the easterly limit of township lot number 3 in concession 1 with the northerly limit of the right of way of the Canadian Pacific Railway; thence southerly along the easterly limits of township lots numbers 3 in concession 1 and A to their intersection with the division line between the northerly and southerly halves of township lot number 3 in concession A; thence westerly along the division line between the northerly and

southerly halves of township lots numbers 3, 4, and 5, in concession A, to its intersection with the westerly limit of township lot numbers 5 in concessions A and 1 to their intersection with the northerly limit of the right of way of the Canadian Pacific Railway ; thence easterly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Application of 55 V. c. 42.

4. The provisions of *The Consolidated Municipal Act 1892*, and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Consolidated Municipal Act 1892*, shall, except as far as herein otherwise provided, apply to the said corporation of the town of Sturgeon Falls in the same manner as if the said village had been erected into a town under the provisions of the said Acts.

First election of mayor and councillors.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for Onezime Lafrance, or the township clerk for the time being, who is hereby appointed returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Sturgeon Falls, for at least one week, or if there is no newspaper published in the said town, then in some newspaper published in some other municipality in the said district, to hold the nomination for the first election of mayor and councillors at the council chamber in the said town or Sturgeon Falls, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling place shall take place.

Returning officers and deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer and deputy-returning officer shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of township of Springer to furnish copy of assessment roll.

7. The clerk of the said township of Springer shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote at each of the said wards respectively, and each such copy shall be verified on oath.

Council, how composed.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and eight councillors ; three councillors being elected for Michaud ward and three for Holditch ward and two councillors for Cockburn ward ; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination ; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the duties and liabilities imposed by the said municipal laws upon such councils.

Declaration of office and qualification.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by the persons elected or appointed to like offices in towns.

Qualification of electors and officers at first election.

10. At the first election of mayor and councillors for the said town of Sturgeon Falls, the qualification of electors and that of officers required to qualify shall be the same as that required in townships by the municipal laws of Ontario

Payment of expenses of Act.

11. All expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of Sturgeon Falls, or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

By-laws of township of Springer to apply until repealed.

12. All by-laws and municipal regulations which are in force in the township of Springer shall continue and be in force as if they had been passed by the corporation of the town of Sturgeon Falls, and shall extend to and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

13. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of the township of Springer shall be apportioned between the said municipality of the township of Springer and the said town of Sturgeon Falls as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of the said arbitrators being appointed by each of the said municipalities of the township of Springer and the town of Sturgeon Falls, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default; and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the arbitrators had been regularly appointed by the said respective municipalities.

Adjustment of assets and liabilities with township of Springer.

14. The indebtedness contracted by by-law No. 130 of the said township of Springer shall be assumed by the corporation of the town of Sturgeon Falls, and the several amounts due and payable under the said by-law shall be paid over annually to the said township of Springer for the liquidation of the said debt or liability.

Indebtedness incurred under by-law number 130 of township of Springer.

15. The existing school sections of the said municipality which by such division will be partly situate in the said township and partly in the said town shall be deemed union sections until otherwise altered under the provisions of *The Public School Act of 1891*.

School sections.

54 V. c. 55.

16. The returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of the said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of the said *Public Schools Act*.

School elections.

54 V. c. 55.

No. 68.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Town of Sturgeon Falls.

First Reading, , 1895.

(Private Bill.)

Mr. LOUGHRIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 68.] **BILL.** [1895.

An Act to incorporate the Town of Sturgeon Falls.

Preamble.

WHEREAS that certain portion of the township of Springer, in the district of Nipissing, known as the *unincorporated* village of Sturgeon Falls, is rapidly increasing in population, and by reason of its central location, agricultural surroundings and water power facilities, is likely to become an important business centre; and whereas the inhabitants of the said village have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Sturgeon Falls incorporated.

1. On and after the passing of this Act the lands hereinafter described shall be separated from the municipality of Springer and the residents and ratepayers thereof shall be and are *hereby* constituted a corporation or body politic, under the name of the "Municipal Corporation of the Town of Sturgeon Falls," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws of the said province.

Limits of town.

2. The said town of Sturgeon Falls shall comprise and consist of the lands lying within the limits described as follows, that is to say: Lots numbers 3, 4 and 5 in the 1st concession, and the north halves of lots numbers 3, 4 and 5 in concession A of the said township of Springer, in the said district of Nipissing.

Wards.

3. The said town shall be divided into three wards, to be called respectively the "Michaud," "Holditch," and "Cockburn" wards, which several wards shall be respectively composed and bounded as follows:—

Michaud ward.

Michaud ward shall comprise and consist of the following lands, that is to say: Those parts of lots numbers 3 and 4 in concession 1 of the township of Springer, in the district of Nipissing, which may be more particularly known and de-

scribed as follows, that is to say: Commencing where the division line between the tier of lots fronting on Main and Toronto streets produced southerly would intersect the northerly limit of the right of way of the Canadian Pacific Railway as shown on a plan of the subdivision of township lot number 4 in concession 1 of the said township, registered in the registry office for the district of Nipissing; thence along the production northerly of the said division line to its intersection with the northerly limit of said township lot number 4; thence easterly along the northerly limits of the said townships lots numbers 4 and 3 to their intersection with the easterly limit of said township lot number 3; thence southerly along the said easterly limit to its intersection with the northerly limit of the right of way of the Canadian Pacific Railway; thence westerly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Holditch ward.

Holditch ward shall comprise and consist of the following lands, that is to say: Those parts of lots numbers 4 and 5 in concession 1 of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say: Commencing where the division line between the tier of lots fronting on Main and Toronto streets produced southerly would intersect the northerly limit of the right of way of the Canadian Pacific Railway as shown on a plan of the subdivision of township lot number 4 in concession 1 of the said township, registered in the registry office for the district of Nipissing; thence along the production northerly of the said division line to its intersection with the northerly limit of said township lot number 4; thence westerly along the northerly limits of said township lots numbers 4 and 5 to their intersection with the westerly limit of township lot number 5; thence southerly along the said westerly limit of township lot number 5 to its intersection with the northerly limit of the right of way of the Canadian Pacific Railway; thence easterly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Cockburn ward.

Cockburn ward shall comprise and consist of the following lands, that is to say: Those parts of lots 3, 4, and 5 in concession 1, and the northerly halves of lots 3, 4, and 5, in concession A of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say: Commencing at the intersection of the easterly limit of township lot number 3 in concession 1 with the northerly limit of the right of way of the Canadian Pacific Railway; thence southerly along the easterly limits of township lots numbers 3 in concession 1 and A to their intersection with the division line between the northerly and southerly halves of township lot number 3 in concession A; thence westerly along the division line between the northerly and

southerly halves of township lots numbers 3, 4, and 5, in concession A, to its intersection with the westerly limit of township lot numbers 5 in concessions A and 1 to their intersection with the northerly limit of the right of way of the Canadian Pacific Railway; thence easterly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Application of 55 V. c. 42.

4. The provisions of *The Consolidated Municipal Act 1892*, and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Consolidated Municipal Act 1892*, shall, except as far as herein otherwise provided, apply to the said corporation of the town of Sturgeon Falls in the same manner as if the said *unincorporated* village had been erected into a town under the provisions of the said Acts.

First election of mayor and councillors.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for Onezime Lafrance, or the township clerk for the time being, who is hereby appointed returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Sturgeon Falls, for at least one week, or if there is no newspaper published in the said town, then in some newspaper published in some other municipality in the said district, to hold the nomination for the first election of mayor and councillors at the council chamber in the said town or Sturgeon Falls, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling place shall take place.

Returning officers and deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer *and each of the* deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of township of Springer to furnish copy of assessment roll.

7. The clerk of the said township of Springer shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote at each of the said wards respectively, and each such copy shall be verified on oath.

Council, how composed.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and *nine* councillors; three councillors being elected for *each* ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the duties and liabilities imposed by the said municipal laws upon such councils.

Declaration of office and qualification.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by the persons elected or appointed to like offices in towns.

Qualification of electors and officers at first election.

10. At the first election of mayor and councillors for the said town of Sturgeon Falls, the qualification of electors and that of officers required to qualify shall be the same as that required in townships by the municipal laws of Ontario.

Payment of expenses of Act.

11. All expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of Sturgeon Falls, or otherwise, shall be borne by the said town, and paid by it to any person entitledthereto.

By-laws of township of Springer to apply until repealed.

12. All by-laws and municipal regulations which are in force in the township of Springer shall continue and be in force as if they had been passed by the corporation of the town of Sturgeon Falls, and shall extend to and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

13. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of the township of Springer shall be apportioned between the said municipality of the township of Springer and the said town of Sturgeon Falls as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of the said arbitrators being appointed by each of the said municipalities of the township of Springer and the town of Sturgeon Falls, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default; and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the arbitrators had been regularly appointed by the said respective municipalities.

Adjustment of assets and liabilities with township of Springer.

14. The indebtedness contracted by by-law No. 130 of the said township of Springer shall be assumed by the corporation of the town of Sturgeon Falls, and the several amounts due and payable under the said by-law shall be paid over annually to the said township of Springer for the liquidation of the said debt or liability.

Indebtedness incurred under by-law number 130 of township of Springer.

15. The existing school sections of the said municipality which by such division will be partly situate in the said township and partly in the said town shall be deemed union sections until otherwise altered under the provisions of *The Public School Act of 1891*.

School sections.

54 V. c. 55.

16. The returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of the said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of the said *Public Schools Act*.

School elections.

54 V. c. 55.

No. 68.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the Town of Sturgeon Falls.

First Reading, 19th March, 1895.

(Reprinted as amended by Private Bills Committee.)

(Private Bill.)

Mr. LOUGHRIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 69.] **BILL.** [1895.

An Act to incorporate the City of Chatham.

WHEREAS, the corporation of the town of Chatham has, by its petition, represented that the town now contains over 9,000 inhabitants, and has extensive railway and shipping interests and facilities, and has an extensive merchant and shipping trade, and is, and will continue to be, an important centre of population and commerce, and is the distributing point for a number of smaller towns and villages in the county of Kent, and is the county town of the county of Kent; and whereas, the said corporation has prayed that the said town may be erected into a city, to be called the "City of Chatham"; and whereas, it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the said town of Chatham shall be, and is hereby, incorporated as a city, and shall be known thereafter as "The Municipal Corporation of the City of Chatham," and as such shall enjoy and possess all the rights, powers and privileges of cities under *The Consolidated Municipal Act 1892*. Incorporation of city of Chatham. 55 V. c. 42.

2. The city of Chatham shall be divided, as the town of Chatham has heretofore been divided, into five wards, to be named, respectively, Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4 and Ward No. 5, and the boundaries, or limits, of the said wards, respectively, shall be and remain as they existed prior to the passing of this Act. Wards.

3. The council of the said city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward thereof; provided, nevertheless, that the present mayor and council of the said town shall be, and continue to be, the mayor and council of the said city, and shall hold office until the election of their successors, as provided by this Act, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen, respectively, of a city, and in the event of the death, resignation Council, how composed. Provided.

or disqualification of the said mayor or any member of the said council a new election shall be held to fill the vacancy under the provisions of *The Consolidated Municipal Act 1892.*

55 V. c. 42.

Assets and liabilities of town to be the assets.

4. The said city of Chatham shall in all matters whatsoever stand and be in the place and stead of the said town of Chatham, and all property of every kind and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations and income now belonging to, or accruing, due to, or which may be assessed for by the said town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues and obligations of the said city of Chatham; and in the assessment for, and collection of, all the aforesaid property and revenues of every kind the said city of Chatham shall have as full power in its name to assess for, demand, collect and receive the same as the said town could have, and the said city shall and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due, or contracted, or accruing due, or for which the said town but for the passing of this Act would be liable, and the same shall and may be collected and sued for, from and against the said city of Chatham in precisely the same manner, except in the change of the name, as against the said town of Chatham; and all acts, matters and things whatsoever which might be lawfully done by the said town of Chatham shall, and may be done by the said city of Chatham, and all matters begun or initiated by the said town shall be completed by the said city.

The meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town, and the said city shall, notwithstanding any other statute to the contrary, incur no greater responsibility or pay any greater or larger salary to any servants or officers than is now paid.

Officers and servants of town to remain.

5. The officers and servants of the said town, shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city.

Application of provisions of 55 V. c. 42.

6. The provisions of *The Consolidated Municipal Act 1892* relating to matters consequent on the formation of new municipal corporations and the other provisions of the said Act shall, except so far as herein otherwise provided, apply to the said corporation of the city of Chatham in the same manner as if the said town had been erected into a city under the provisions of *The Consolidated Municipal Act 1892.*

55 V. c. 42.

Qualifications of electors.

7. At any election in the said city, held prior to the first day of February next after the passing of this Act, the qualifications of the electors shall be the same as required in towns.

8. John Tissiman of the said town of Chatham, Esquire, who is now the clerk thereof, or such other person as the council of the said city may by by-law, to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination meeting for the first election of mayor, and it shall be the duty of the returning officer to hold such nomination meeting at the city hall in the city of Chatham at the hour of ten o'clock in the forenoon of the said last Monday in the month of December. Nomination for first election.

9. The said returning officers shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead. Duties of returning officer.

10. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name the places in each of the several wards at which the nominations of aldermen and election of mayor and aldermen shall be held in case a poll be required. Deputy returning officers and polling places.

11. The nomination for aldermen shall be held on the last Monday in the month of December at noon, and if a poll be required the same shall be opened on the same day of the following week, and the nominations and the election of mayor and aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities. Regulations applicable to first election.

12. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any future election, either to the municipal council or to the Legislative Assembly in the said city until another assessment shall be made and the roll thereof shall be finally revised and the voters' list thereunder shall be duly made and completed. Assessment roll and voters' list.

No. 69.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to incorporate the City of Chatham.

First Reading, 1895.

(Private Bill.)

Mr. PARDO.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.] BILL. [1895.

An Act respecting the Municipality of Shuniah.

Preamble.

WHEREAS the corporation of the municipality of Shuniah, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Shuniah was incorporated by an Act of this Legislative Assembly, passed in the 36th year of Her Majesty's reign, chaptered 50; and whereas by an Act passed in the 44th year of Her Majesty's reign, chaptered 43, the municipality of Neebing was incorporated and was thereby detached from the municipality of Shuniah; and whereas by an Act passed in the 47th year of Her Majesty's reign, chaptered 57, the corporation of the town of Port Arthur was incorporated and was thereby detached from the municipality of Shuniah; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Shuniah as between the corporation of the town of Port Arthur and the municipality of Neebing was concluded, and which settlement is particularly set forth in an Act passed in the 51st year of Her Majesty's reign, chaptered 57, and which settlement as set out therein in full was by said Act in all respects, confirmed and made legal and valid for every purpose, object and intent; and whereas in pursuance of the said settlement the only debenture debt of the municipality of Shuniah which was not assumed by the corporation of the town of Port Arthur or the municipality of Neebing, is for debentures known as the Prince Arthur's Landing and Kaministiquia Railway Debentures, amounting to the sum of $7,500, and which mature on the first day of July, A.D. 1895; and whereas said corporation of the municipality of Shuniah have by their petition prayed that the said debenture debt of the said municipality of Shuniah, amounting to $7,500, as above recited, may be consolidated and that the said corporation may be authorized to issue debentures for that purpose.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall be lawful for the corporation of the municipality of Shuniah from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer

for the time being in such sums and not exceeding in the whole $7,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or the currency of Canada as the corporation may deem expedient.

Power to borrow on or sell debentures.

2. The corporation of the said municipality of Shuniah may for the purposes in section 4 hereof mentioned, raise money by way of loan on the said debentures in this province, or in Great Britain or elsewhere, and sell or dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct, coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly from the first day of the months of January and July in each and every year during the currency of said debentures at the price mentioned thereon and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum

Application of debentures.

4. The said debentures and all moneys raised therefrom shall be applied as follows: In the repayment of outstanding debentures of the municipality of Neebing and which are payable by the corporation of the municipality of Shuniah, to the amount of $7,500, and which are better known as the Prince Arthur's Landing and Kaministiquia Railway Debentures, and which mature on the first day of July, A.D. 1895.

Outstanding debentures may be called in.

5. The treasurer of the said municipality shall upon receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinafter authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Special rate for sinking fund.

6. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund for that purpose, and thereafter it shall not be necessary for the council to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said now outstanding debentures.

Investment of sinking fund.

7. The said corporation of the municipality of Shuniah shall have power at any time to invest any money now or at any time standing at the credit of the sinking fund in the redemption of the said outstanding debentures of the said corporation, or in the redemption of the debentures issued under the authority of the preceding sections of this Act or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to any greater extent than two-thirds of the assessed value of such real estate or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

Special rate to be entered separately on the roll.

8. The special rate for the interest and sinking fund for payment of the debentures to be issued under the authority of the preceding sections of this Act shall in each and every year during the continuance of said debentures be inserted in a separate and distinct column on the collectors' roll of the said corporation and shall not be included with any other rate or rates.

Form of debentures and by-laws.

9. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule A to this Act and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule B to this Act.

Treasurer to keep books of account.

10. It shall be the duty of the treasurer from time to time of the said corporation to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount, and also the investments which shall from time to time be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayers of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of electors not required.

11. It shall not be necessary to obtain consent of the electors of the corporation of the municipality of Shuniah to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by any Acts respecting municipal institutions.

Indebtedness not discharged.

12. Nothing in this Act shall be held or taken to discharge the corporation of the municipality of Shuniah from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent provisions in municipal Acts not to apply.

13. Any provision in the Acts respecting municipal institutions in the province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to necessity of such by-law or issue of debentures or as to the applications of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Cost of pending actions.

14. Nothing in these sections shall change or effect the question of costs of any action or proceeding now pending.

Short title.

15. This Act shall be cited as "*The Shuniah Debenture Act.*"

SCHEDULE A.

(*Section 9.*)

CONSOLIDATED DEBT DEBENTURE.

No. $

Province of Ontario. Municipality of Shuniah.

Under and by virtue of *The Shuniah Debenture Act, 1895,* and by virtue of by-law No. of the corporation of the municipality of Shuniah passed under the provisions contained in the said Act, the corporation of the municipality of Shuniah promise to pay to the bearer at in in the sum of on day of one thousand hundred and and the half-yearly coupons for interest hereto attached, as the same shall severally become due.

Dated at Port Arthur, in the district of Thunder Bay, this day of A.D 189 .

[Corporate seal.] Reeve.

Treasurer.

SCHEDULE B.

(*Section 9.*)

By-law to authorize the issue of debentures under the authority of *The Shuniah Debenture Act, 1895*, and to impose a special rate for the payment thereof.

Whereas, the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding the sum of in the whole as the corporation of the municipality of Shuniah may direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of , with interest thereon, at the rate of per cent. per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas, the said Act requires for payment of the said debentures to be issued thereunder, that the council shall impose a special rate, which shall be sufficient to form a sinking fund sufficient for the payment at maturity of the principal of such debentures over and above all interest to be paid on said debentures, and it will require the sum of to be raised annually for the said interest and sinking fund; and whereas, the amount of the whole rateable property of the municipality of Shuniah, according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and was ;

Therefore the council of the municipality of Shuniah enacts as follows:—

1. Debentures under the said Act and for the purposes therein mentioned to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable half-yearly on the first days of and in each year.

3. For the purpose of forming a sinking fund for the payment of said debentures and the interest at the rate aforesaid to become due thereon the sum of shall over and above, and in addition to all other sums or rates be raised, levied and collected in each year upon all the rateable property in the municipality of Shuniah during the continuance of the debentures or any of them.

This by-law passed in open council this day of in the year of Our Lord one thousand eight hundred and .

No. 70.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act respecting the Municipality of Shuniah.

First Reading, , 1895.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.] **BILL.** [1895.

An Act respecting the Municipality of Shuniah.

Preamble. WHEREAS the corporation of the municipality of Shuniah, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Shuniah was incorporated by an Act of this Legislative Assembly, passed in the 36th year of Her Majesty's reign, chaptered 50; and whereas by an Act passed in the 44th year of Her Majesty's reign, chaptered 43, the municipality of Neebing was incorporated and was thereby detached from the municipality of Shuniah; and whereas by an Act passed in the 47th year of Her Majesty's reign, chaptered 57, the corporation of the town of Port Arthur was incorporated and was thereby detached from the municipality of Shuniah; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Shuniah as between the corporation of the town of Port Arthur and the municipality of Neebing was concluded, which settlement is particularly set forth in an Act passed in the 51st year of Her Majesty's reign, chaptered 57, and which settlement as set out therein in full was by said Act in all respects, confirmed and made legal and valid for every purpose, object and intent; and whereas in pursuance of the said settlement the only debenture debt of the municipality of Shuniah which was not assumed by the corporation of the town of Port Arthur or the municipality of Neebing, is for debentures known as the Prince Arthur's Landing and Kaministiquia Railway Debentures, amounting to the sum of $7,500, and which mature on the first day of July, A.D. 1895; and whereas said corporation of the municipality of Shuniah have by their petition prayed that the said debenture debt of the said municipality of Shuniah, amounting to $7,500, as above recited, may be consolidated and that the said corporation may be authorized to issue debentures for that purpose.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized. **1**. It shall be lawful for the corporation of the municipality of Shuniah from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer

for the time being in such sums and not exceeding in the whole $7,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or the currency of Canada as the corporation may deem expedient.

Power to borrow on or sell debentures.

2. The corporation of the said municipality of Shuniah may for the purposes in section 4 hereof mentioned, raise money by way of loan on the said debentures in this province, or in Great Britain or elsewhere, and sell or dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than *twenty* years from the issue thereof, as the said corporation may direct, coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly from the first day of the months of January and July in each and every year during the currency of said debentures at the price mentioned thereon and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum

Application of debentures.

4. The said debentures and all moneys raised therefrom shall be applied as follows: In the repayment of outstanding debentures of the municipality of Neebing and which are payable by the corporation of the municipality of Shuniah, to the amount of $7,500, and which are better known as the Prince Arthur's Landing and Kaministiquia Railway Debentures, and which mature on the first day of July, A.D. 1895, *and no other purpose whatever.*

Special rate.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called *The Consolidated Debenture Rate.*

Form of debentures and by-laws.

6. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule A to this Act and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule B to this Act.

Treasurer to keep books of account.

7. It shall be the duty of the treasurer from time to time of the said corporation to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be

issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayers of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of electors not required.

8. It shall not be necessary to obtain consent of the electors of the corporation of the municipality of Shuniah to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by any Acts respecting municipal institutions.

Indebtedness not discharged.

9. Nothing in this Act shall be held or taken to discharge the corporation of the municipality of Shuniah from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent provisions in municipal Acts not to apply.

10. Any provision in the Acts respecting municipal institutions in the province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to necessity of such by-law or issue of debentures or as to the applications of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Short title.

11. This Act shall be cited as "*The Shuniah Debenture Act.*"

SCHEDULE A.

(Section 6.)

CONSOLIDATED DEBT DEBENTURE.

No. $

Province of Ontario. Municipality of Shuniah.

Under and by virtue of *The Shuniah Debenture Act, 1895*, and by virtue of by-law No. of the corporation of the municipality of Shuniah passed under the provi-ions contained in the said Act, the corporation of the municipality of Shuniah promise to pay to the bearer at in in the sum of on day of one thousand hundred and and the half-yearly coupons for interest hereto attached, as the same shall severally become due.

Dated at Port Arthur, in the district of Thunder Bay, this day of A.D 189 .

[Corporate seal.] Reeve.

Treasurer.

SCHEDULE B.

(Section 6.)

A by-law to authorize the issue of debentures under *The Shuniah Debenture Act.* Passed 189

Be it enacted by the municipal council of the corporation of Shuniah as follows:

1. The mayor and treasurer are hereby authorized and directed to issue debentures of the said corporation to the amount of $ under the authority of the said Act and for the purposes therein mentioned, which said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, and shall be payable within years from the day of at with interest at the rate aforesaid as follows, that is to say:—

2. For the purpose of paying the sum of $, and to cover interest on the said amount as aforesaid, there shall be levied by a general rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year during the currency of the said debentures, or any of them, the sums following, that is to say:—

No. 70.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act respecting the Municipality of Shuniah.

First Reading, 19th March, 1895.

(*Reprinted as amended by Private Bills Committee.*)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 71.] **BILL.** [1895.

An Act respecting the Hamilton Radial Electric Railway Company.

Preamble.

WHEREAS the said company have by their petition prayed for an Act to amend their Act of incorporation, by providing that those portions of the system of the said railway company running from the city of Hamilton to the city of Guelph, and from the city of Hamilton to the town of Berlin, may be operated by either steam or electricity, and that by reason of the difficulties connected with the construction of the said portions of the said railway, the borrowing powers of the said company may be, so far as relates to those portions of their said railway, increased as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Operation of certain parts of railways by steam.

1. Notwithstanding anything to the contrary in the Act to incorporate the Hamilton Radial Electric Railway Company passed in the 57th year of Her Majesty's reign, chaptered 88, those portions of the said company's system of railways between the city of Hamilton and the city of Guelph, and the city of Hamilton and the town of Berlin, may be operated by either steam or electricity.

57 V. c. 88, s. 26 amended.

Bonding powers.

2. Section 26 of the said Act is amended by inserting after the word "railways" in the fifth line thereof, the words "other than the lines from the city of Hamilton to the city of Guelph, and from the city of Hamilton to the town of Berlin, in respect of which the whole amount of the issue of such bonds shall not exceed in all the sum of $30,000 for each mile thereof."

No. 71.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Hamilton Radial Electric Railway.

First Reading, 1895.

(Private Bill.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 72.] **BILL.** [1895.

An Act respecting the Metropolitan Street Railway Company.

Preamble.

WHEREAS the Metropolitan Street Railway Company has under its Act of incorporation and amendments thereto constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company has by petition prayed that an Act may be passed giving the municipalities or portions thereof through or near to which such railway is or may be constructed, certain powers as to granting aid to such company and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

56 V. c. 94, s. 12, amended.

1. Section 12 of chapter 94 of the Acts passed in the 56th year of the reign of Her Majesty intituled *An Act respecting the Metropolitan Street Railway Company* is hereby amended by adding thereto the following sub-section:—

Sinking fund for redemption of debentures to be issued in aid of company.

(2) Any by-law of a township or town municipality whereby aid is granted to the Metropolitan Street Railway Company by way of bonus or gift under the provisions of sections 634 or 635 (*a*) of *The Consolidated Municipal Act 1893*, and this Act may provide for assessing and levying upon all rateable property lying within the municipality or the portion of the municipality defined in the by-law an annual special rate sufficient to include a sinking fund for the repayment of the debentures to be issued under the terms of such by-law within thirty years with interest thereon payable yearly or half-yearly, which debentures the councils, mayors, reeves and other officers of such municipalities are hereby authorized to execute and issue in the case of any such by-laws being passed.

Power to operate on all days of the week.

2. The company is hereby authorized and empowered to operate its railways as provided in the various Acts relating to the company on all days of the week.

No. 72.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Metropolitan Street Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. RICHARDSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 72.] **BILL.** [189.

An Act respecting the Metropolitan Street Railway Company.

Preamble.

WHEREAS the Metropolitan Street Railway Company has under its Act of incorporation and amendments thereto constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company has by petition prayed that an Act may be passed giving the municipalities or portions thereof through or near to which such railway is or may be constructed, certain powers as to granting aid to such company and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

56 V. c. 94, s. 12, amended.

1. Section 12 of chapter 94 of the Acts passed in the 56th year of the reign of Her Majesty intituled *An Act respecting the Metropolitan Street Railway Company* is hereby amended by adding thereto the following sub-section:—

Sinking funds for redemption of debenture to be issued in aid of company.

(2) Any by-law of a township, town, *or incorporated village* municipality whereby aid is granted to the Metropolitan Street Railway Company by way of bonus or gift under the provisions of sections 634 or 635 (*a*) of *The Consolidated Municipal Act 1892*, and this Act may provide for assessing and levying upon all rateable property lying within the municipality or the portion of the municipality defined in the by-law an annual special rate sufficient to include a sinking fund for the repayment of the debentures to be issued under the terms of such by-law within thirty years with interest thereon payable yearly or half-yearly, which debentures the councils, mayors, reeves and other officers of such municipalities are hereby authorized to execute and issue in the case of any such by-laws being passed.

Application of s. 87 of Electric Railway Act.

2. Section 87 of *The Electric Railway Act, 1895*, shall apply to the said company and the said section is incorporated with and shall form part of the Act to incorporate the said company and the Acts amending the same.

No. 72.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Metropolitan Street Railway Company.

First Reading, 19th March, 1895.

(Reprinted as amended by Railway Committee.)

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 73.] **BILL.** [1895.

An Act to amend the Act incorporating The Upper Canada Religious Tract and Book Society.

Preamble.

WHEREAS, The Upper Canada Religious Tract and Book Society has, by its petition, represented that it is advisable to amend its Act of incorporation so as to enable the said society to carry on its work in any part of the world; and whereas, the said society has, by its petition, also represented that it is advisable to give to the said society certain additional powers for taking and holding real and personal estate, including what is not pure personalty by gift, devise or bequest, and for disposing of the same; and whereas, it is advisable to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to carry on operations in any part of the world.

1. It shall and may be lawful for the said society, through its board of directors for the time being, to carry on its work and operations as defined in its Act of incorporation in any part of the world, and it shall and may be lawful for the said society to carry on such work and operations through the agency of any other society having for its object the dissemination of religious tracts and books.

Power to take lands.

2. It shall and may be lawful for the said society from time to time to take and hold by gift, devise or bequest any lands or tenements or interest therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but nothing in this clause contained shall authorize the said society to take or hold by any gift, devise or bequest, so as that the annual value of any lands, tenements or interest therein so to be held by gift, devise or bequest, under authority of this clause, shall at any one time in the whole exceed the annual value of one thousand dollars, and no lands or tenements or interest therein acquired by gift, devise or bequest under the authority of this clause shall be held by the said society for a longer period than seven years after the acquisiton thereof, and within such period they shall respectively be absolutely disposed of by the said society, which shall have power to grant and convey any such lands

to any purchaser so that it shall no longer retain any interest therein, and the proceeds of such disposition shall be invested in public securities, municipal debentures or other approved securities, not including mortgages, for the use of the said society, and such lands, tenements or interest therein or such thereof which may not within the said period have been so disposed of shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Powers at present possessed under Act of incorporation not diminished.

3. This Act shall not be construed so as in any wise to repeal, take from or diminish any of the rights, powers or privileges granted to the said society by its Act of incorporation, but on the contrary any rights or privileges conferred by this Act shall be construed as supplementary and in addition to those conferred by the said Act of incorporation.

Act not to diminish power under other Acts.

4. This Act shall not be construed so as in any wise to repeal, take from or diminish any of the rights, powers or privileges which would have been possessed by the said society under any Act or law of this province if this Act had not been passed.

Applications of funds.

5. The funds of the said society may and shall be used for the purposes authorized by its Act of incorporation and by this Act.

No. 73.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to amend the Act incorporating The Upper Canada Religious Tract and Book Society.

First Reading, 1895.

(Private Bill.)

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 74.] BILL. [1895.

An Act respecting the Sault Ste. Marie and Hudson's Bay Railway Company.

Preamble.

WHEREAS by an Act of the Legislature of Ontario passed in the fifty-third year of Her Majesty's reign, chaptered one hundred and twenty-four, the Sault Ste. Marie and Hudson's Bay Railway Company was incorporated, and by section thirteen of the said Act it was enacted that Joseph Cozens, Robert Davey Perry, John G. Stradley, Theodore Weld Burdick, Joseph Hall Steere, John Alexander McDonald, William McKail Bell, Weymess McKenzie Simpson and John McKay were thereby constituted a board of provisional directors of the said company; and whereas the said company have prayed to have the said board of provisional directors changed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 124, is repealed and the following substituted therefor:—

Incorporation.

1. William A. Gulick, Harley W. Mowery, Wilfred M. Bright, Horace P. Breed, John A. McLeod, Joseph Cozens, Robert Davey Perry and John McKay, together with such other persons and corporations as shall in pursuance of the said Act, become shareholders in the company thereby incorporated shall be constituted a body corporate politic by and under the name of the Sault Ste. Marie and Hudson's Bay Railway Company, thereinafter called the "company."

2. Section 13 of the said Act is repealed and the following substituted therefor:—

Provisional directors.

13. William A. Gulick, Harley W. Mowery, Wilfred M. Bright, Horace P. Breed, John A. McLeod, Joseph Cozens, Robert Davey Perry and John McKay, with power to add to their number, shall be a board of provisional directors of the company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under the said Act.

No. 74.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Sault Ste. Marie and Hudson's Bay Railway Company.

First Reading, 1895.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 75.] BILL. [1895.

An Act to revive the Act incorporating the Sarnia and Lambton Southern Railway Company, and the Act reviving and amending the same.

Preamble.

WHEREAS it has been found impracticable to build the line of railway authorized to be constructed under and by virtue of an Act passed in the 47th year of Her Majesty's reign, chaptered 73, and intituled *An Act to incorporate the Sarnia and Lambton Southern Railway Company*, within the time limited for that purpose by the said Act, or by an Act passed in the 52nd year of Her Majesty's reign, chaptered 81, and intituled *An Act to revive and amend the Act incorporating the Sarnia and Lambton Southern Railway Company*; and whereas Charles Mackenzie and other shareholders and provisional directors of the said Sarnia and Lambton Southern Railway Company have, by their petition, represented that since the passing of the said Acts no work has been done towards the commencement and completion of the said railway, and have prayed that the said Act incorporating the Sarnia and Lambton Southern Railway Company, and the Act reviving and amending the Act incorporating the Sarnia and Lambton Southern Railway Company may be revived and amended, and also that the time fixed for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act of incorporation revived.

1. The non-compliance by the said company with the conditions of the said Act passed in the 47th year of Her Majesty's reign, chaptered 73, and intituled *An Act to incorporate the Sarnia and Lambton Southern Railway Company*, and the said Act passed in the 52nd year of Her Majesty's reign, chaptered 81, and intituled *An Act to revive and amend the Act incorporating the Sarnia and Lambton Southern Railway Company*, shall not be considered as having heretofore caused any forfeiture of the charter of said company, and the said Act and the Act reviving and amending the same are hereby revived and declared to be in full force and effect.

Time for commencement and completion.

2. The time limited for the commencement of the said railway is extended for three years from the passing of this Act, and the time for the completion thereof is extended for five years from the passing of this Act.

No. 75.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to revive the Act incorporating the Sarnia and Lambton Southern Railway Company, and the Act reviving and amending the same.

First Reading, 1895.

(Private Bill.)

Mr. GURD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 76.] BILL. [1895.

An Act respecting the verdicts of Jurors in civil causes in the High Court and other Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement of ten jurors in verdict or answers to be sufficient.

1. In all civil cases at the time of the passing of this Act or thereafter depending in the High Court of Justice or in a county court, or in any matter or cause within the jurisdiction of the Provincial Legislature, where issues are tried or where damages are assessed by a jury, it shall be sufficient if ten of the jurors empanelled for the trial or assessment shall agree, instead of twelve as heretofore required; and in such case ten jurors may give the verdict, or answer the questions submitted to the jury by the judge.

Effect of verdict or answers so given.

2. A verdict rendered or question answered under the provisions of this Act shall have the same effect as the verdict or answer heretofore given by twelve jurors.

Special juries. Incorporation with Rev. Stat. c. 44.

3. This Act shall apply to special juries and shall be read with and as part of *The Judicature Act.*

No. 76.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the verdicts of Jurors in civil causes in the High Court and County Courts.

First Reading, 28th February, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 76.] BILL. [1895.

An Act respecting the verdicts of Jurors in civil causes in the High Court and other Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement of ten jurors in verdict or answers to be sufficient.

1. In all civil cases at the time of the passing of this Act or thereafter depending in the High Court of Justice or in a county court, or in any matter or cause within the jurisdiction of the Provincial Legislature, where issues are tried or where damages are assessed by a jury, it shall be sufficient if ten of the jurors empanelled for the trial or assessment shall agree, instead of twelve as heretofore required; and in such case ten jurors may give the verdict, or answer the questions submitted to the jury by the judge.

53 V. c. 20, s. 2, repealed.

2. Section 2 of chapter 20 of the Acts passed in the 53rd year of Her Majesty's reign is repealed and the following substituted therefor:

Death or illness of juror or discovery of interest during trial.

If at the trial of any action or issue or assessment of damages now pending or hereafter brought, a juror should die or become incapacitated by illness or any other cause from continuing to sit or act on the jury, or if it should be discovered that one of the jury sworn has an interest in the result or is a relative of any of the parties to the suit within the degree of first cousin, the presiding judge, in case of such illness, interest, relationship or other cause, may discharge such juror, and may in any such cases direct that the trial or assessment shall proceed on such terms as he thinks fit with eleven jurors, and in such case ten jurors may give the verdict or answer the questions submitted to the jury by the judge.

Effect of verdict or answers so given.

3. A verdict rendered or question answered under the provisions of this Act shall have the same effect as the verdict or answer heretofore given by twelve jurors.

Special juries. Incorporation with Rev. Stat. c. 44.

4. This Act shall apply to special juries and shall be read with and as part of *The Judicature Act, and shall come into force on the 1st day of August, 1895.*

No. 76.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the verdicts of Jurors in civil causes in the High Court and County Courts.

First Reading, 28th February, 1895.
Second Reading, 19th March, 1895.

(Reprin d as amended in the Committee of the Whole.)

Mr. HARDY.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 77.] BILL. [1895.

An Act respecting Road Allowances in the Rainy River Surveys.

Preamble.

WHEREAS, by section 2 of chapter 7 of the Acts passed in the 49th year of Her Majesty's reign, the surveys of certain townships in the district of Rainy River, performed under instructions from the Department of the Interior of the Government of Canada, were adopted and legalized; and whereas, it is expedient to provide that the allowances for roads laid out in said surveys around the sections or lots in the townships shall be reduced in width from ninety-nine feet to sixty-six feet, the usual width of roads in the Province;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Width of road allowances laid out by Department of Interior reduced.

1. Notwithstanding anything contained in chapter 7 of the Acts passed in the 49th year of Her Majesty's reign, the road allowances in the townships in the district of Rainy River, laid out under instructions from the said Department of the Interior shall be and are hereby declared to be one chain, or sixty-six feet, in width, said chain allowance to be that lying immediately north and east, respectively, of the lines of survey run upon the ground in the original survey.

Lands detached to form part of adjoining quarter-sections or lots.

2. The strips of land hitherto forming part of the road allowances shall be detached therefrom and attached to and form part of the quarter sections or lots, as the case may be, immediately adjoining said strips of land on the east and north thereof.

Present quarter-section posts or lot posts to remain.

3. The quarter-section posts or lot posts hitherto intended to define on the ground the limits of the quarter-sections or lots in the said township, shall continue to be the governing points, notwithstanding the addition hereby made to the respective quarter-sections or lots.

No. 77.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Road Allowances in the Rainy River Survey.

First Reading, 28th February, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 78.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 1 of section 497 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "fee" in the second line thereof the words "upon butter, eggs, poultry, or." 55 V. c. 42, s. 497, sub-sec. 1, amended.

2. Sub-sections, 2, 3, 4 and 6 of the said section are repealed. 55 V. c. 42, s. 497, sub-sec. 2, 3, 4, 6, repealed.

3. Sub-section 7 of the said section is amended by striking out all the words in lines 3 to 9 thereof, inclusive. 55 V. c. 42, s. 497, sub-sec. 7, amended.

4. Sub-sections 1, 2, 3, 4 and 5 of section 498 of the said Act are repealed. 55 V. c. 42, s. 498, sub-sec. 1-5, repealed.

5. Section 499 of the said Act is repealed. 55 V. c. 42, s. 499, repealed.

6. Section 500 of the said Act is amended by striking out all the words after the word "measuring" in seventh line thereof. 55 V. c. 42, s. 500, amended.

7. Section 501 of the said Act is repealed. 55 V. c. 42, s. 501, amended.

8. Section 503 of the said Act is amended by striking out sub-section 7 thereof. 55 V. c. 42, s. 503, sub-sec. 7, repealed.

8. In any municipality which has under section 502 of the said Act leased, assigned or sold its market fees, the preceding seven sections shall come into force and operation only on the termination of the period for which such fees have been so leased, assigned or sold, in all other municipalities, the said sections shall come into force and operation forthwith. Commencement of Act where market fees leased or sold.

No. 78.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 1st March, 1895.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.] BILL. [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of section 143 of *The Consolidated Assessment Act, 1892*, is amended by striking out the words "1st day of July" in the second line thereof, and substituting therefor the words "15th day of September." 55 V. c. 48, s. 143, sub.-s. 2 amended.

No. 79.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 1st March, 1895.

Mr. GAMEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 80.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 182 of *The Consolidated Municipal Act, 1892*, is amended by adding after the word "town" in the first line thereof the words "or the office of reeve of a township or village;" and by striking out the words "first day of December" in the second line and substituting therefor the words "first day of October." 55 V. c. 42, s. 182, amended.

No. 80.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 1st March, 1895.

Mr. GAMEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 81.] BILL. [1895.

An Act to amend The General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause *a* of section 85 of *The General Road Companies' Act* is amended by striking out the word "two" in the third line thereof, and inserting the word "one" in lieu thereof. Rev. Stat., c. 159, s. 85, clause *a* amended.

No. 81.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 1st March, 1895.

Mr. FLATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 82.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 521 of *The Consolidated Municipal Act 1892*, is amended by adding thereto, immediately after sub-section 6 thereof, the following sub-section : 55 V. c. 42, s. 521, amended.

6. (*a*) For reducing or varying the amount of statute labor to be performed by the ratepayers or others within certain defined areas in the municipality when, in the opinion of the council, exceptional circumstances exist rendering such reduction or variation equitable. Reducing or varying statute labor in defined localities.

No. 82.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th March, 1895.

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 83. **BILL.** [1895.

An Act o amend The Public Schools Act, 1891.

HER MAJESTY, by and with the advice and conset of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 109 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section immediately after sub-section 3 thereof. 54 V. c. 55, s. 109 amended.

(4) In all cases and at all times the municipal council shall have power, and it shall be their duty to correct in subsequent collections any errors or omissions in the collection of the school rate duly imposed or intended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate. Correcting errors in collections of school rate in former years.

No. 83.

1st Session. 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Public Schools Act, 1891.

First Reading, 5th March, 1895.

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 84.] **BILL.** [1895.

An Act to amend the Act respecting Benevolent Provident and other Societies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c. 172, s. 12, amended.

Section 12, of the Act respecting Benevolent, Provident and other Societies, is amended by inserting after the said section 12, the following sub-section:

Powers of educational societies as to holding lands.

(2) Excepting however any society or branch heretofore or hereafter incorporated under this Act having for its chief object the establishing of a Seminary or Institution for educational purposes, in which case the value of any building or buildings acquired or erected on such land and the income from such building or buildings shall not be considered in estimating such annual value.

No. 85.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Coroners.

First Reading, 5th March, 1895.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 85.] BILL. [1895.

An Act respecting Coroners.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 80, s. 3, amended

When inquest to be held in case of death of inmates of house of industry.

1. Section 3 of the *Act respecting Coroners* is hereby amended by adding thereto the following: "Provided that in the case of a death taking place in any county house of industry, such inquest shall not be necessary, unless, after notification, the county crown attorney believes that such death took place under circumstances requiring investigation."

No. 85.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Coroners.

First Reading, 5th March, 1895.
Second Reading, 20th March, 1895.

(Reprinted as amended by legal committee.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 86.] BILL. [1895.

An Act to amend The Ditches and Watercourses Act, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 36 of *The Ditches and Watercourses Act, 1894*, is amended by adding at the end thereof the following proviso :— 57 V. c. 55, s. 36, amended.

"Provided that should any ditch, after its construction, prove insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any lands along the said ditch or otherwise damage the same, any owner party to the award may at any time after the construction of the ditch take proceedings as aforesaid for the reconsideration of the agreement or award under which such ditch was constructed." Reconsideration of award.

No. 86.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ditches and Water-courses Act, 1894.

First Reading, 5th March, 1895.

Mr. ROBILLARD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 75.] BILL. [1895.

An Act for the further protection of Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Transferring from time to time of certain children from institutions to children's aid societies.

1. Notwithstanding provisions to the contrary in any Act contained, and notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any duly incorporated orphanage, children's home, infants' home or industrial school, it shall be lawful for the trustees or governing body of such orphanage or children's home, or infants' home or industrial school to take advantage of the provisions of the fifteenth section of *The Act for the Prevention of Cruelty to and Better Protection of Children* by transferring, from time to time, children under their care to the Superintendent or to the children's aid society in the locality of such orphanage or home, to be placed out by the Superintendent or by such children's aid society in pursuance of the provisions of the said Act, and in such case it shall be the duty of the visiting committee to visit any child so placed out, as by the said Act provided, and in all respects such child shall be treated as having been placed out and shall continue subject to the provisions of the said Act. 56 V. c. 45.

56 V. c. 45, s. 1 amended.

2. Section 1 of the said Act is amended by inserting at the end of the thirty-seventh line of the said section the words "or two justices of the peace acting together."

56 V. c. 45, s. 6, sub.-s. 3 amended.

3. Subsection (3) of section 6 of the said Act is hereby amended by striking out the words "in pursuance of this section," in the third line of the said subsection, and inserting in lieu thereof the words "under this Act," and by striking out all the words of the said subsection after the words "relation to" in the sixth line thereof and inserting in lieu thereof the words "the procedure of societies operating under the provisions of this Act."

56 V. c. 45, s. 9 amended.

4. Paragraph (*a*) of section 9 of the said Act is amended by adding thereto the following words: "and to have and exercise by virtue of his office the powers conferred upon children's aid

societies in municipalities where no such society exists, with power from time to time to appoint, subject to the approval of the Minister, any person or committee to act for him as occasion may require."

56 V. c. 45, s. 10, sub.-s. 1 amended.

5. Sub-section (1) of section 10 of the said Act is amended by striking out the words "between the ages of three and fourteen years" in the first and second lines thereof, and substituting the words "entirely distinct and separate" for the words "distant not less than one-half mile," in the fifth and sixth lines thereof.

56 V. c. 45, s. 11, sub.-s. 1 amended.

6. Sub-section 1 of section 11, is amended by striking out the words "not less than three," in the third line thereof, and substituting therefor the words "or more,not less than half."

56 V. c. 45, s. 13 amended.

7. Section 13 of the said Act is amended by inserting after the word "years" in the ninth line thereof the words "if a boy, or sixteen years if a girl."

56 V. c. 45, s. 14 amended.

8. Section 14 of the said Act is amended by adding after the word "examine" in the third line the words "within one week after such apprehension."

56 V. c. 45, s. 16 repealed.

9. Section 16 of the said Act is repealed and the following substituted therefor :

Enquiry as to health of children received by societies.

16. Every society or institution receiving the care or control of a child under the provisions of this Act shall make enquiry into the condition of health of the child so received, and if it be found to be suffering from any disease or bodily infirmity, due provision shall be made for the temporary care or disposal of such child with a view to guarding against its continued ill-health or the spread of any infectious or contagious malady.

56 V. c. 45, s. 17, sub.-s. 2 amended.

10. Sub-section 2 of section 17 of the said Act is amended by inserting the words "or the superintendent, with the Minister's approval" after the word "judge" in the first line thereof.

56 Vc. 45, 15 amended.

11. The following is added to section 15 of the said Act as sub-section (3) thereof :

Children not to be taken into homes for adult persons.

(3) No child between the ages of 2 and 16 years shall be received or boarded in any house or institution established for the reception and care of paupers or other dependent adults. This subsection shall take effect from and after the first day of July, 1895.

Rev. Stat. c. 240, s 1 amended.

12. Section 1 of *The Act respecting the Industrial Refuge for Girls*, is hereby amended by striking out the last two words in the said section and substituting therefor the words "sixteen and over the age of thirteen."

No. 62

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the further protection of Children.

First Reading, 1st March, 1895.

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 87.] **BILL.** [1895.

An Act for the further protection of Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Transferring children from care of certain institutions to children's aid societies.

1. Notwithstanding provisions to the contrary in any Act contained, and notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any duly incorporated orphanage, children's home, infants' home or industrial school, it shall be lawful for the trustees or governing body of such orphanage or children's home, or infants' home or industrial school to take advantage of the provisions of the fifteenth section of *The Act for the Prevention of Cruelty to and Better Protection of Children* by transferring, from time to time, children under their care to the Superintendent or to the children's aid society in the locality of such orphanage or home, to be placed out by the Superintendent or by such children's aid society in pursuance of the provisions of the said Act, and in such case it shall be the duty of the visiting committee to visit any child so placed out, as by the said Act provided, and in all respects such child shall be treated as having been placed out and shall continue subject to the provisions of the said Act. 56 V. c. 45.

56 V. c. 45, s. 1 amended.

2. Section 1 of the said Act is amended by inserting at the end of the thirty-seventh line of the said section the words "or two justices of the peace acting together."

56 V. c. 45, s. 6, sub.-s. 3 amended.

3. Subsection (3) of section 6 of the said Act is hereby amended by striking out the words "in pursuance of this section," in the third line of the said subsection, and inserting in lieu thereof the words "under this Act," and by striking out all the words of the said subsection after the words "relation to" in the sixth line thereof and inserting in lieu thereof the words "the procedure of societies operating under the provisions of this Act."

56 V. c. 45, s. 9 amended.

4. Paragraph (*a*) of section 9 of the said Act is amended by adding thereto the following words: "and to have and exercise by virtue of his office the powers conferred upon children's aid

societies in municipalities where no such society exists, with power from time to time to appoint, subject to the approval of the Minister, any person or committee to act for him as occasion may require."

56 V. c. 45, s. 10, sub.-s. 1 amended.

5. Sub-section (1) of section 10 of the said Act is amended by striking out the words "between the ages of three and fourteen years" in the first and second lines thereof, and substituting the words "entirely distinct and separate" for the words "distant not less than one-half mile," in the fifth and sixth lines thereof.

56 V. c. 45, s. 11, sub.-s. 1 amended.

6. Sub-section 1 of section 11, is amended by striking out the words "not less than three," in the third line thereof, and substituting therefor the words "or more,not less than half."

56 V. c. 45, s. 13 amended.

7. Section 13 of the said Act is amended by inserting after the word "years" in the ninth line thereof the words "if a boy, or sixteen years if a girl."

56 V. c. 45, s. 14 amended.

8. Section 14 of the said Act is amended by adding after the word "*examination*" in the third line the words "within one week after such apprehension."

56 V. c. 45, s. 16 repealed.

9. Section 16 of the said Act is repealed and the following substituted therefor:

Enquiry as to health of children received by societies.

16. Every society or institution receiving the care or control of a child under the provisions of this Act shall make enquiry into the condition of health of the child so received, and if it be found to be suffering from any disease or bodily infirmity, due provision shall be made for the temporary care or disposal of such child with a view to guarding against its continued ill-health or the spread of any infectious or contagious malady.

56 V. c. 45, s. 17, sub.-s. 2 amended.

10. Sub-section 2 of section 17 of the said Act is amended by inserting the words "or the superintendent, with the Minister's approval" after the word "judge" in the first line thereof.

56 V. c. 45, s. 51 amended.

11. The following is added to section 15 of the said Act as sub-section (3) thereof:

Children not to be taken into homes for adult persons.

(3) No child between the ages of 2 and 16 years shall be received or boarded in any house or institution established for the reception and care of paupers or other dependent adults. This subsection shall take effect from and after the first day of July, 1895.

Rev. Stat. c. 240, s 1 amended.

12. Section 1 of *The Act respecting the Industrial Refuge for Girls*, is hereby amended by striking out the last two words in the said section and substituting therefor the words "sixteen and over the age of thirteen."

13. It shall be unlawful for any person to induce any child to leave the building or premises of any duly incorporated boys' or girls' home or orphans' home or asylum or children's or infants' home inspected by the Inspector of Prisons and Charities, and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, or to attempt to induce such child to leave or quit any service or apprenticeship or any place in which or where the said child has been or may be lawfully placed for the purpose of being nursed, supported, educated or adopted, or to induce, or attempt to induce any child to break any articles of apprenticeship or agreement which have been or may be lawfully entered into by or with the authority of the trustees or directors or governing body of any such home or asylum respecting any such child, or to detain or harbor any such child after demand made by or on behalf of any officer of any of such institutions for delivery up of such child. Taking children out of custody of charitable institutions. Rev. Stat. c. 248.

(2) Any person who shall violate the provisions of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding $20 and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days. Penalty.

14. Subject to the provisions of this Act no parent or guardian or other person, who by instrument in writing has heretofore surrendered or may hereafter surrender the custody of a child to any home or asylum mentioned in the next preceding section hereof shall thereafter, contrary to the terms of such instrument, be entitled to the custody or any control or authority over or any right to interfere with any such child. Parents surrendering custody of children to charitable institutions.

No. 87.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the further protection of Children.

First Reading, 1st March, 1895.
Second Reading, 21st March, 1895.

(Reprinted as amended in Committee of the Whole House.)

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 87.] BILL. [1895.

An Act for the further protection of Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Transferring children from care of certain institutions to children's aid societies.

1. Notwithstanding provisions to the contrary in any Act contained, and notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any duly incorporated orphanage, children's home, infants' home or industrial school, it shall be lawful for the trustees or governing body of such orphanage or children's home, or infants' home or industrial school to take advantage of the provisions of section *15* of the *Act for the Prevention of Cruelty to and Better Protection of Children* by transferring, from time to time, children under their care to the Superintendent or to the children's aid society in the locality of such orphanage or home, to be placed out by the Superintendent or by such children's aid society in pursuance of the provisions of the said Act, and in such case it shall be the duty of the visiting committee to visit any child so placed out, as by the said Act provided, and in all respects such child shall be treated as having been placed out and shall continue subject to the provisions of the said Act. 56 V. c. 45.

56 V. c. 45, s. 1 amended.

2. Section 1 of the said Act is amended by inserting at the end of the thirty-seventh line of the said section the words "or two justices of the peace acting together."

56 V. c. 45, s. 6, sub.-s. 3 amended.

3. Subsection (3) of section 6 of the said Act is hereby amended by striking out the words "in pursuance of this section," in the third line of the said subsection, and inserting in lieu thereof the words "under this Act," and by striking out all the words of the said subsection after the words "relation to" in the sixth line thereof and inserting in lieu thereof the words "the procedure of societies operating under the provisions of this Act."

56 V. c. 45, 9 amended.

4. Paragraph (*a*) of section 9 of the said Act is amended by adding thereto the following words: "and to have and exercise by virtue of his office the powers conferred upon children's aid

societies in municipalities where no such society exists, with power from time to time to appoint, subject to the approval of the Minister, any person or committee to act for him as occasion may require."

56 V. c. 45, s. 10, sub.-s. 1 amended.

5. Sub-section (1) of section 10 of the said Act is amended by striking out the words "between the ages of three and fourteen years" in the first and second lines thereof, and substituting the words "entirely distinct and separate" for the words "distant not less than one-half mile," in the fifth and sixth lines thereof.

56 V. c. 45, s. 11, sub.-s. 1 amended.

6. Sub-section 1 of section 11 *of the said Act*, is amended by striking out the words "not less than three," in the third line thereof, and substituting therefor the words "or more, not less than half."

56 V. c. 45, s. 13 amended.

7. Section 13 of the said Act is amended by inserting after the word "years" in the ninth line thereof the words "if a boy, or sixteen years if a girl."

56 V. c. 45, s. 14 amended.

8. Section 14 of the said Act is amended by adding after the word "examination" in the third line the words "within one week after such apprehension."

56 V. c. 45, s. 16 repealed.

9. Section 16 of the said Act is repealed and the following substituted therefor:

Enquiry as to health of children received by societies.

16. Every society or institution receiving the care or control of a child under the provisions of this Act shall make enquiry into the condition of health of the child so received, and if it be found to be suffering from any disease or bodily infirmity, due provision shall be made for the temporary care or disposal of such child with a view to guarding against its continued ill-health or the spread of any infectious or contagious malady.

56 V. c. 45, s. 17, sub.-s. 2 amended.

10. Sub-section 2 of section 17 of the said Act is amended by inserting the words "or the superintendent, with the Minister's approval" after the word "judge" in the first line thereof.

56 V. c. 45, s. 51 amended.

11. The following is added to section 15 of the said Act as sub-section (3) thereof:

Children not to be taken into homes for adult persons.

(3) No child between the ages of 2 and 16 years shall be received or boarded in any house or institution established for the reception and care of paupers or other dependent adults. This subsection shall take effect from and after the first day of July, 1895.

Rev. Stat. c. 240, s. 1 amended.

12. Section 1 of the *Act respecting the Industrial Refuge for Girls*, is amended by striking out the last two words in the said section and substituting therefor the words "sixteen and over the age of thirteen."

13. It shall be unlawful for any person to induce any child to leave the building or premises of any duly incorporated boys' or girls' home or orphans' home or asylum or children's or infants' home inspected by the Inspector of Prisons and Charities, and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, or to attempt to induce such child to leave or quit any service or apprenticeship or any place in which or where the said child has been or may be lawfully placed for the purpose of being nursed, supported, educated or adopted, or to induce, or attempt to induce any child to break any articles of apprenticeship or agreement which have been or may be lawfully entered into by or with the authority of the trustees or directors or governing body of any such home or asylum respecting any such child, or to detain or harbor any such child after demand made by or on behalf of any officer of any of such institutions for delivery up of such child ; *and any person* who shall violate the provisions of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding $20 and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days.

Taking children out of custody of charitable institutions.

Rev. Stat. c. 248.

Penalty.

(2) *No* parent or guardian or other person, who by instrument in writing has heretofore surrendered or may hereafter surrender the custody of a child to any *of the charitable institutions* mentioned in the next preceding *sub*-section hereof shall thereafter, contrary to the terms of such instrument, be entitled to the custody *of* or any control or authority over or any right to interfere with any such child.

Parents surrendering custody of children to charitable institutions.

☞(3) Provided, however that any parent or guardian claiming that a child is improperly and unjustly detained by any of the charitable institutions in this section referred to or any other person believing that in the case of any child in any of the said institutions a real grievance or just cause of complaint exists, may make complaint to the judge or superintendent, and the judge or, with the minister's approval, the superintendent may make such order as to the disposition of the child as, having regard to the welfare of the child, may under all the circumstances of the case appear to be just and reasonable.☜

☞**14**. The words "the said Act" wherever they occur in this Act mean *The Act for the prevention of cruelty to and better protection of Children*, chapter 45, 56th Victoria, and this Act will be read with and form a part of the said Act.☜

No. 87.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act for the further protection of Children.

First Reading, 1st March, 1895.
Second Reading, 21st March, 1895.

(Reprinted as again amended in Committee of the Whole House.)

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 88.] BILL. [1895.

An Act to amend The Municipal Light and Heat Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 191 amended, "gas" to mean and include "natural gas."

1. Wherever the word "gas" is used in *The Municipal Light and Heat Act*, the said word shall be deemed and construed as including and meaning natural gas, and all the powers conferred by the said Act upon municipal corporations in regard to the manufacture of gas shall be deemed and taken to be conferred on such corporations for mining for and winning from the earth, natural gas.

No. 88.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Light and Heat Act.

First Reading, 6th March, 1895.

Mr. McKEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 89.] **BILL.** [1895.

An Act to amend The Line Fences Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Line Fences Act* is amended by inserting therein immediately after the word "Act" in the second line thereof the words "and may recover the same by an action in any division court having jurisdiction in the locality." Rev. Stat. c. 219, sec. 11, amended.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Line Fences Act.

First Reading, 6th March, 1895.

Mr. CHAPPLE.

TORONTO;
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 89.] **BILL.** [1895.

An Act to amend The Line Fences Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Line Fences Act* as amended by the Act passed in the 52nd year of Her Majesty's reign, chaptered 48, is hereby further amended by striking out the word "may" in the first line of sub-section (2) of said section and inserting the word "shall" in lieu thereof. Rev. Stat. c. 219, sec. 11, amended.

No. 89.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Line Fences Act.

First Reading, 6th March, 1895.
Second Reading, 15th March, 1895.

(Reprinted as amended by Legal Committee.)

Mr. CHAPPLE.

TORONTO;
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 90.] BILL. [1895.

An Act to amend The Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause (*c*) of sub-section 1 of section 70 of *The Division Courts Act* is hereby amended by striking out the figures "200" in the second line thereof and inserting the figures "300" in lieu thereof. Rev. Stat. c. 51, s. 70, sub-s. 1, amended.

2. Sub-section (1*a*) of the said section is amended by striking out the figures "200" in the seventh line thereof and inserting the figures "300" in lieu thereof. Rev. Stat. c.70, sub-s. 1*a*, amended.

No. 90.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act to amend The Division Courts Act.

First Reading, 6th March, 1895.

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 91.] BILL. [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 48, s. 2, s.-s. 10, amended.

Lines of electric companies declared to be personal property.

1. Sub-section 10 of section 2 of *The Consolidated Assessment Act, 1892*, is amended by inserting after the word "property" in the fifth line thereof the words "telegraph and telephone lines and lines for the transmission of electric light and power."

Personal property of bank and trunk line railway companies exempt but not income from shares.

2. Sub-section 2 of section 34 of the said Act is hereby repealed and the following substituted therefor :—

(2) The personal property of a bank or of a company which owns or operates a through trunk line of railway shall as hitherto be exempt from assessment, but the shareholders shall be assessed on the income derived from such companies.

No. 91.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 7th March, 1895.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 92.] **BILL.** [1895.

An Act to amend the Act respecting Cemetery Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 175, s. 16.

1. Section 16 of *The Act respecting Cemetery Companies*, being chapter 175 of the Revised Statutes of Ontario, is amended by adding thereto the following sub-section :—

Repurchasing and re-selling lots in cemetery.

(2) The company may, out of any moneys received by virtue of this Act, repurchase any lot or lots previously sold or conveyed by the company, and take conveyance of the same from the owners thereof, and may also, from time to time, resell the same in the manner and form respecting other lands in the cemetery held by the company.

Rev. Stat. c. 175, s. 11, amended.

2. Section 11 of the said Act is amended by adding thereto the following sub-section :—

Opening graves and removing bodies.

(2) No grave in a cemetery shall be reopened for the purpose of removing a body therefrom, nor any monument or other permanent improvement placed on a lot be removed from such lot, without the consent of the directors of the company, but, saving, nevertheless, the right of the crown to order the removal of a body for the purposes of legal inquiry.

Rev. Stat. c. 175, s. 19, amended.

3. Section 19 of the said Act is amended by adding thereto the following as sub-section 1*a* :—

Taking lots in cemetery by gift or devise.

(1*a*) Every such company mentioned in this section may also take and hold by gift, assignment or devise from owners thereof any lot or lots in the cemetery of such company, for the purpose of maintaining the same in perpetuity or otherwise, in the manner and subject to the provisions mentioned in the instrument of such gift, assignment or devise.

Powers of directors as to passing by-laws.

4. Section 27 of the said Act is repealed and the following substituted therefor :—

(27) The directors may pass by-laws for the laying out, selling and managing of the ground, for the regulating of burials to be made therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, grave-stones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds and otherwise generally respecting the use of the grounds by the shareholders and the public ; and for empowering the president and secretary to execute conveyances of plots in the cemetery.

No. 92.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act respecting Cemetery Companies.

First Reading, 8th March, 1895.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 93.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Municipal Act 1892*, is hereby amended by adding thereto the following section as section 399*a* :— 55 V. c. 42 amended.

"399*a*. Either of the parties to any such arbitration may pay the fees of the arbitrators therein as demanded by the said arbitrators before delivery of their award into the office of the local registrar of the high court of justice for the county in which the municipality, city, town or incorporated village containing the land which is the subject matter of such arbitration is situated, and the said local registrar shall give a receipt for the same to the party so paying in the same, and shall enter such payment in a book to be kept by him for the purpose, and shall be entitled to receive from the said party the sum of twenty-five cents as a fee to his own use, and the said arbitrators, or any two of them, who may have made the award in such arbitration, upon the production of such receipt, shall forthwith deliver their said award to the said party to the arbitration, paying in the said fees as aforesaid to the said local registrar, and the said party so paying in the said fees may have the said fees taxed by the said local registrar on the latter's appointment without any judge's order, and if the said fees are found upon such taxation to be authorized by the *Act respecting Arbitrations and References*, the party who required the taxation shall pay all the costs thereof, and the said sum paid into the office of the said local registrar as aforesaid, shall, unless there is a revision of such taxation or an appeal from such revision to a judge as hereinafter provided, be forthwith paid out to the said arbitrators by the said local registrar, but in case of a revision of such taxation, or an appeal from such revision to a judge, such payment out shall be postponed until such revision or appeal from such revision to a judge shall have been finally disposed of, and such payment out shall be subject to the final result in such revision or appeal, as the case may be, and if there shall be no revision of such taxation, or no appeal from

Payment of arbitrators' fees on taking up award.

Rev. Stat. 53.

such a revision to a judge, or if there shall be such a revision or appeal and the said arbitrators' said fees have been finally reduced upon such taxation, revision therefrom or appeal to a judge from such revision, then all the costs of such taxation, revision and appeal shall be paid and borne by the said arbitrators, and such costs, together with any sum or sums struck off or disallowed from the said arbitrators' fees upon such taxation, revision or appeal shall be deducted from the said sum so paid into the office of the said local registrar for said arbitrators' fees and paid over by the said local registrar to the party who paid the said sum into the said office of the said local registrar, and the balance of the said sum shall then be paid by the said local registrar to the said arbitrators, provided that revision of any such taxation by the one of the principal taxing officers at Toronto may be had upon one week's notice, and an appeal to a judge in the usual manner; and provided further, that nothing herein contained shall be held to alter, repeal or affect any provision of the said *Act respecting Arbitrations and References*, except the provision requiring a judge's order for the taxation of arbitrators' fees, which shall henceforth be unnecessary as to the fees of arbitrators in any such arbitration as aforesaid."

Rev. Stat. 53.

No. 93.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th March, 1895.

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 94.] BILL. [1895.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 96 of *The Registry Act, 1893*, is hereby amended by adding thereto, as sub-section 8 the following:— 56 V. c. 21, s. 96, amended.

(8) The Registrar shall not receive nor file any plan or map of a sub-division of any land situated wholly or partly within the limits of any city, town, or incorporated village, unless the assent of the municipal council of such city, town or incorporated village to such receipt and filing be first obtained and endorsed on such map or plan. Such assent to be granted by by-law of the corporation duly passed in that behalf. Assent of municipality to filing plans

No. 94.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act to amend The Registry Act.

First Reading, 8th March, 1895.

Mr. O'KEEFE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 95.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Sub-section 1 of section 52 of *The Consolidated Assessment Act 1892* is hereby amended by inserting therein between the words "say" and "for" in the sixth line thereof the following :—"In cities of over 30,000 inhabitants for taking the assessment before the 30th day of September and in towns and incorporated villages." 55 V. c. 48, s. 52, s-s. 1, amended.

No. 95.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 8th March, 1895.

Mr. O'KEEFE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 96.] BILL. [1895.

An Act to amend The Ontario Medical Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 13 of *The Ontario Medical Act* is amended by striking out the words "the salaries or fees to be paid to such officers, and to the board of examiners hereinafter appointed" in the last two lines of the said section and substituting therefor the words "the salaries to be paid to such officers." Rev. Stat. c. 148, s. 13 amended.

2. Section 16 of the said Act is repealed and the following substituted therefor :— Rev. Stat. c. 148, s. 16 repealed.

16. The said Division Association may from time to time submit to the Lieutenant-Governor in Council a tariff or tariffs of professional fees, suitable to their division, or to separate portions of their division ; and upon the said tariff or tariffs of fees receiving the approval of the Lieutenant-Governor by Order in Council to be published in the *Ontario Gazette*, such tariff or tariffs shall be held to be a scale of reasonable charges within the meaning of section 39 of this Act for the division or section of a division where the member making the charge resides. Tariff of fees.

3. Sections 17, 18, 20, 23, 25, 26, 27, 30, 31, 33, 34, 35, 36, 37 and 38 of the said Act are repealed. Rev. Stat. c. 148, ss. 17, 18, 20, 23, 25, 26, 27, 30, 31, 33-38 repealed.

4. Sections 1, 3, 4, 5, 6, 7 and 8 of the Act passed in the 54th year of Her Majesty's reign, chaptered 26, are repealed. 54 V. c. 26, s. 1, 3-8 repealed.

5. Section 22 of the said *The Ontario Medical Act* as enacted by section 9 of the said Act passed in the 54th year of Her Majesty's reign, chaptered 26, is amended by adding after the words "the council" in the third line thereof the words "and subject to the approval of such orders and regulations by the Lieutenant-Governor in council." 54 V. c. 26, s. 9 amended.

6. Section 40 of *The Ontario Medical Act* is amended by striking out the word "one" in the fifth line thereof and inserting the word "two" in lieu thereof. Rev. Stat. c. 148, s. 40 amended.

56 V. c. 27, s. 6 repealed.

7. Section 6 of the Act passed in the 56th year of Her Majesty's reign, chaptered 27, is repealed.

Who entitled to registration.

8. Subject to the provisions of section 24 of *The Ontario Medical Act*, every person who—

(*a*) Holds a diploma from any chartered university in the Dominion of Canada, or in Great Britain or Ireland, granting to such person a degree as bachelor of medicine or doctor of medicine, or any similar degree, and who

(*b*) Has attended the full course of lectures and complied with the requirements of the curriculum of any duly incorporated medical school or college in the Dominion of Canada, or of any such school or college in the United Kingdom of Great Britain and Ireland, which has been approved by the Lieutenant-Governor-in-Council, and who

(*c*) Holds a certificate from the board of medical education, hereinafter mentioned, of having passed the examination and complied with the regulations prescribed by the said board,

shall be entitled, upon payment of a fee of $5 to the registrar of the College of Physicians and Surgeons of Ontario, to be registered under *The Ontario Medical Act*.

Rev. Stat. c. 148.

Board of medical education. How constituted.

9.—(1) There is hereby constituted for the Province of Ontario a board of medical education, to be composed as follows :—

(*a*) Three members to be appointed by the council of the College of Physicians and Surgeons of Ontario.

(*b*) One member to be appointed by the faculty of each duly incorporated medical school or college in the Province of Ontario, but who shall not be a member of such faculty.

(*c*) Two members to be appointed by the representatives of licensed practioners in homœopathy in the council of the College of Physicians and Surgeons of Ontario.

(*d*) Two members to be appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister of Education.

Qualification.

(2) All members of the said board shall be duly qualified medical practitioners resident in the Province of Ontario.

Appointment; term of office.

(3) The members of said board shall be appointed annually on or before the first day of February in each year, and shall hold office for one year, but shall be eligible for re-appointment at the expiration of that period.

(4) The presiding officers of the various bodies authorized to appoint members of the said board shall, on or before the first day of February, transmit to the Minister of Education a statement in writing showing the names, post office addresses and qualifications of the persons so appointed, and the names and qualifications of all the persons appointed shall be published in the *Ontario Gazette.* Notification of appointments.

(5) The Lieutenant-Governor in Council shall appoint two members of said board to act as chairman and secretary thereof respectively. Chairman and secretary.

10.—(1) The said board shall have power from time to time to make regulations subject to the approval of the Lieutenant-Governor in Council respecting— Regulations of board.

(*a*) The times and places at which the examination of the said board shall be held.

(*b*) The subjects in which candidates shall be examined.

(*c*) The fee to be charged for such examination.

(*d*) The proofs to be furnished by candidates as to good character and as to their compliance with the requirements of this Act.

(2) The said board shall hold an examination at least once a year for the admission of candidates for registration under *The Ontario Medical Act*, and all papers set by the said board at any such examination shall be first approved by the Lieutenant-Governor in Council. Annual examination. Rev. Stat., c. 148.

(3) *The fees payable by candidates for such examination shall be paid to the secretary of the board and shall be by him transmitted to the Provincial Treasurer, and the moneys so received shall be set apart and form a fund for paying the expenses of the Board of Medical Education in connection with such examination and the other fees and expenses of the said board.* Fees.—Application of.

(4) *The amount of remuneration of members of the board shall be fixed by the Lieutenant-Governor in Council.* Remuneration of members.

11.—(1) The said board may make special regulations respecting the terms upon which candidates shall be entitled to be registered as homœopathists, but no such regulations shall be of any force or effect unless concurred in by the representatives of homœopathy on the said board, nor until approved by the Lieutenant-Governor in Council. Admission of homœopathists.

(2) Until a homœopathic medical college is established in Ontario the provisions of clauses (*a*) and (*b*) of section 8 of this Act shall not apply to candidates for registration as homœopathists.

Rev. Stat. c. 148, s. 32, amended.

12. Section 32 of *The Ontario Medical Act* is amended by inserting therein, immediately after the word "fees" in the fourth line thereof, the words "not exceeding $1 for every such higher degree or additional qualification."

Erasing name from register for unworthy conduct.

13.—(1) Any registered medical practitioner who has, either before or after the passing of this Act and either before or after he is so registered, been guilty of conduct unworthy of his profession shall, upon the order of the senior judge of the county court of the county in which he is resident or in which the offence was committed, be liable to have his name erased from the register and be declared unworthy to practise medicine, surgery or midwifery in the Province of Ontario.

What to be deemed unworthy conduct.

(2) Unworthy conduct within the meaning of the preceding sub-section shall include—

(*a*) Conviction for any offence, either in Her Majesty's dominions or elsewhere, which if committed in Canada would be a crime.

(*b*) Habitual drunkenness.

(*c*) Transmitting or causing the transmission of contagion or infection through ignorance or through wilful neglect of the requirements of *The Public Health Act* or any regulation made under the authority of that Act.

Rev. Stat. c. 205.

(*d*) Knowingly and wilfully issuing burial certificates containing false statements as to the cause of death, or issuing such certificates in blank.

(*e*) Conviction for any offence under *The Public Health Act* or under the *Act respecting the Registration of Births, Marriages and Deaths.*

Rev. Stat. c. 205.

Rev. Stat. c. 40.

(*f*) Making false statements privately or by advertisement as to the qualifications possessed by the registered practitioner, making such statements or as to his ability to cure any particular disease or diseases, or as to cures previously effected by him with a view to inducing the person to whom such representations are made, or any other person, to submit himself to professional treatment.

Procedure.

(3) The proceedings for the erasure of any name from the register under this Act shall be the same as nearly as may be as on the trial of the validity of the election of any member of the council of the College of Physicians and Surgeons of Ontario; provided that all evidence taken before the said judge shall be taken *viva voce*, and provided that any person may be the relator in proceedings under this section, and such proceedings shall be taken in the name of the College of Physicians and Surgeons of Ontario.

(4) Upon the conclusion of the trial the judge may make an order dismissing the complaint, or may make an order declaring that the defendant is unworthy to practice the profession of medicine, surgery or midwifery in the Province of Ontario, and directing the removal of his name from the register of duly qualified medical practitioners, and in such case the name of the defendant shall be erased from the said register forthwith, or the judge may make such order as he shall see fit. Order of judge.

(5) Upon every such trial costs shall be in the discretion of the judge, and it is hereby declared that the power to order the erasure of any name under this Act is discretionary with the said judge. Discretionary power of judge.

(6) Where in any action for damages brought against a registered medical practitioner for the recovery of damages for any injury caused, negligence, ignorance or want of skill, a judgment is rendered or a verdict is given for the plaintiff, the judge before whom such action is tried, may, upon the application of the plaintiff, make an order directing the erasure of the name of the defendant from the register of duly qualified medical practitioners, and upon service of such order upon him the registrar shall forthwith cause such name to be erased from the register. The making of any such order shall be discretionary with the said judge. Order made on verdict for damages in civil cases.

14.—(1) Any person whose name has been ordered to be erased from the register may appeal from the order directing such erasure to a division court of the high court of justice at any time within six months from the date of the order for such erasure, and the court may, upon the hearing of the appeal, make such order as to the restoration of the name so erased or confirming such erasure, or for a new trial, and as to costs as to such court shall seem right in the premises. Appeal from order for erasure.

(2) The appeal may be by summons served upon the registrar, and upon the relator or applicant for the order directing erasure, to show cause, and shall be founded upon a copy of the proceedings before the county judge—the evidence taken, and the order of the county judge in the matter—certified by the clerk of the county court, and the said clerk shall, upon the request of any person desiring to appeal, furnish to any such person a certified copy of all such proceedings, evidence and orders. Procedure.

15. Each member of the College of Physicians and Surgeons of Ontario shall pay to the registrar or to any person deputed by the registrar to receive it, an annual fee of $1 towards the general expenses of the college, and such fee shall be payable on the first day of January in each year after the coming into force of this Act, and such fee shall be deemed to be a debt due by each member of the college and shall be recoverable Annual fee payable by the members of college.

with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court having jurisdiction where the member in default resides.

Midwives.

16.—(1) Any woman, who, within six months after the coming into force of this Act, produces before any local board of health a certificate signed by the head of the municipality or by two justices of the peace that she is a person of good character, and who proves by evidence taken on oath before such board that she has successfully performed the office of midwife in at least ten cases of confinement before the passing of this Act, shall be entitled upon payment of a fee of $1 to the treasurer of the municipality, to a license, under the hand of the chairman of the board, to practice midwifery in the municipality for two years from the date of such license, and the said board may at the expiration renew such license upon the production of similar evidence of good character.

Persons qualifying after passing of Act.

(2) A similar license may also be granted to any woman, who after the passing of this Act applies to the local board of health of any municipality therefor, upon producing a certificate signed by the head of the municipality or by two justices of the peace that she is a person of good character and proving by evidence taken on oath before such local board and by the certificates of duly registered medical practitioners that she has attended at least ten cases of confinement under the directions and instruction of a duly qualified medical practitioner.

Exemption from Rev. Stat. c 48, ss. 45, 48.

(3) Every person duly licensed under this section shall be exempt from the provisions of sections 45 and 48 of *The Ontario Medical Act.*

Commencement of Act.

17. This Act shall come into force and take effect on the day of A.D. 1896.

Act incorporated with Rev. Stat. c. 148.

18. This Act is incorporated with and shall form part of *The Ontario Medical Act.*

No. 96.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ontario Medical Act.

First Reading, 8th March, 1895.

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 97.] **BILL.** [1895.

An Act to amend the Act to prevent the spread of Noxious Weeds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act to prevent the spread of noxious weeds is amended by adding thereto the following as section 10*a* and 10*b* :—

10*b*. Any person who knowingly sells or offers for sale any turnip seed as seed or of any particular variety or varieties of turnip, shall, notwithstanding any statement contained in any printed advertisement, catalogue, circular or other document issued by such vendor, be liable if such seed is of a different variety or varieties from those represented by such vendor at the time of such sale, upon summary conviction thereof to a fine of not less than $10 nor more than $40 and costs of conviction.

No. 97.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act to prevent the spread of Noxious Weeds.

First Reading, 8th March, 1895.

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 98.] **BILL** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause A of sub-section 3 of section 17 of *The Consolidated Municipal Act 1892*, is amended by adding at the end thereof the following words: "And for imposing a penalty not exceeding $5.00 with costs upon any person refusing or neglecting to pay such commutation in money within two days after demand thereof by the pathmaster or other officer appointed by the township council to collect the same." 55 V. c. 42, s. 17, sub-s. 3, amended.

No. 98.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th March, 1895.

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 99.] BILL. [1895.

An Act respecting the Election Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Supplementary Election Act 1895.*

Rev. Stat. c. 10, s. 46 amended.

2. Sub-section 1 of section 46 of *The Ontario Controverted Elections Act* is amended by adding at the end thereof, the words: "and an application to postpone the case or extend the time for fixing the day of trial may be made to a judge of the Court of Appeal at any time before the expiration of the said six months, and the judge may thereupon, in his discretion, postpone the case or extend the time for fixing the day of trial to a day before or after the expiration of said six months."

Postponement of trial.

Serving tion.

Rev. Stat. c. 10.

3. Notwithstanding the expiration of the five days mentioned in section 15 of *The Ontario Controverted Elections Act*, the court may, on application within three days thereafter, allow service of the petition as provided for by said section, in the same way, and with the like consequence, as if the application had been made within such five days.

Trial at Toronto or other county town by consent.

4. Where the parties file a consent signed by them or by counsel on their behalf that the trial of the petition may take place in Toronto or some county town specified in the consent, the judges on the *rota*, without further evidence of convenience, may fix the place of trial at the place so specified, though such place may not be in the electoral district the election or return for which is in question.

Application of Rev. Stat. c. 10, ss. 13 and 14.

5. Sections 13 and 14 of *The Ontario Controverted Elections Act* shall apply to the petition provided for by section 7 of said Act.

Disclaimer.

Disclaimer by member elect.

6. A member elected to the Legislative Assembly may disclaim his seat in the manner hereinafter provided, and the

member so disclaiming shall be held to have thereby vacated the seat, and to have ceased to be a member of the said Assembly in respect of the seat so disclaimed.

Mode of disclaiming.

7. At any time after an election the member elect who desires to disclaim, may transmit (postpaid and registered), through the post office, directed to "The Clerk of the Legislative Assembly, Toronto," or may cause to be delivered to such clerk, a disclaimer signed by such member to the effect following:

Form of disclaimer.

"I, A. B., member elect to the Legislative Assembly of the Province of Ontario for the electoral division of , do hereby disclaim all my right or title to sit or vote as such member or in any manner to act as such member."

Effect of disclaimer on right and liabilities.

8. Such disclaimer shall not affect the right of any person entitled to contest the election and claiming the seat for himself or some other person, and shall not affect the liability of the person disclaiming in respect of corrupt practices. In case of a petition claiming the seat for some other person, the judge or judges trying the election shall determine whether any candidate other than the member who has disclaimed was duly elected, and a candidate declared by the judge or judges duly elected shall be entitled to take his seat.

Notice of disclaimer.

9. The Clerk of the House shall at the earliest practicable moment after he receives the disclaimer, transmit or deliver a copy thereof to the Registrar of the Court of Appeal, who shall give notice of such disclaimer to any person who has filed, or who may thereafter present to be filed, a petition against the member so disclaiming.

Issuing writ when no petition filed after disclaimer.

10. If no petition is filed within the time limited for that purpose, or if the petition is dismissed, the Lieutenant-Governor in Council shall direct the issue of a new writ for the election of a member in the place of the member disclaiming; and the writ shall issue accordingly.

When petition filed before notice of disclaimer.

11.—(1) If a petition is filed before the petitioner has notice of the filing of the disclaimer the member shall pay all costs of the petitioner up to the time such petitioner receives notice of the disclaimer.

Taxation and recovery of costs.

(2) The said costs shall be taxed in the same manner as other costs are taxed under *The Ontario Controverted Elections Act*, and may be recovered in the same way.

Voters' Lists in Unorganized Territories.

55 V. c. 2, s. 5 repealed.

12. Section 5 of the *Act Respecting Voters' Lists in Unorganized Territories*, passed in the 55th year of Her Majesty's reign and chaptered 2, is hereby repealed and the following substituted therefor:

5. So soon after the first day of June in each year as may be convenient the officer whose duty it is to prepare a list of voters under this Act shall cause to be posted in a conspicuous manner throughout those parts of the electoral district which consist of unorganized territory, where there are no assessment rolls, at every public and separate school house and at every statutory polling place and every other place at which a poll was held at the last election to the Legislative Assembly a copy of this Act and one or more printed notices in the Form A appended to this Act, and such officer shall attend at the time and place mentioned in the said notice. Posting up lists in unorganized sections.

Identification of Ballots.

13. In order to insure the proper marking of ballot papers by deputy returning officers at elections of members of the Legislature, it is enacted as follows: Proceedings upon marking ballot papers.

(1) The deputy returning officer shall, if required by any candidate present or his agent, exhibit the name or initials signed or stamped by such deputy returning officer upon the back of the ballot paper before handing the ballot paper to the voter. Exhibiting initials of deputy returning officer to persons present.

(2) Any person desiring to vote at an election may decline to receive a ballot paper which has not the name or initials of the deputy returning officer signed or stamped upon it as required by *The Ontario Elections Act 1892*. Voter may decline ballot not initialed. 55 V. c. 3.

(3) Any deputy returning officer wilfully omitting to sign or stamp his name or initials on the back of a ballot paper in use for the purposes of an election shall be liable to a fine of *twenty dollars* in respect of every such ballot paper upon the back whereof he has not signed or stamped his name or initials as required by *The Ontario Election Act 1892*. Penalty for omitting to initial ballots. 55 V. c. 3.

(4) Such penalty may be recovered in the same manner as other penalties are recoverable under section 187 of *The Ontario Election Act 1892*. Recovery of penalty under 55 V. c. 3, s. 187.

14. Where upon the opening of the ballot box and the counting of the ballots, it is found that the number of ballot papers signed or stamped by the deputy returning officer as required by *The Ontario Election Act 1892*, is the same as the number which has been given by the deputy returning officer to, and which were used by voters, the omission of the deputy returning officer to sign or stamp some of such ballot papers shall not be a ground for the rejection of the same. When initialed ballot not to be rejected. 55 V. c. 3.

Time.

15. What is commonly known as Standard Time and not Solar Time shall govern in all matters under *The Ontario Election Act 1892*, or *The Ontario Controverted Elections Act* or amendments thereto. Standard time to govern. 55 V. c. 3, Rev. Stat., c. 10.

Court of Appeal.

Decisions of Court of Appeal under 55 V. c. 3 and Rev. Stat. c. 10 to be final.

16. The decision of the Court of Appeal on any matter or question under *The Ontario Election Act 1892*, or *The Ontario Controverted Elections Act*, or any amendments to such Acts, shall be final, and shall not be subject to any appeal whatsoever.

Persons representing estates of contractors not to be disqualified.

17.—(1) To remove doubts it is hereby declared that no person is ineligible, or shall be deemed to have been heretofore ineligible, to be a member of the Legislative Assembly, by reason of his being interested as an executor, administrator or trustee only, having otherwise no beneficial interest, in a contract or agreement with Her Majesty, or with a public officer or department with respect to the public service of the Province, or under which public money of the Province is to be paid for any service, work, matter or thing.

Shareholders in contracting companies not disqualified.

(2) Nor is any person ineligible nor shall any person be deemed to have been heretofore ineligible as aforesaid by reason of his being, or having been, a shareholder in an incorporated company having any such contract or agreement as aforesaid; but this does not apply to, or declare, eligible a shareholder in a company undertaking a contract for the building of any public work for the Province, or for the supply of goods to any of the public Institutions of the Province which are under the management of the Government, or to any department thereof, or for the supply of goods to the Queen's Printer for the Legislature or any Department of the Government.

Exceptions.

Liability for support of inmates of certain institutions not to disqualify.

(3) Nor is any person ineligible nor shall any person be deemed to have been or to be ineligible as aforesaid by reason of his being a surety or contractor or liable for the payment of money for or on account of the maintenance or tuition of an inmate or pupil of the Institute for the Deaf and Dumb or Blind, or a pupil at the Ontario Agricultural College and Experimental Farm, or at Upper Canada College, or the Toronto University, or University College, or other Government Institution; or by reason of his being or having been a postmaster elsewhere than in a city, town or incorporated village, or interested in a contract for carrying the mail between two or more post offices other than cities, towns or incorporated villages, nor by reason of his being the surety of any such postmaster or contractor.

"License," meaning of in 57 V. c. 8.

18. To further remove doubts it is hereby declared that the word "license" in the Act intituled "*An Act respecting the Election of Licensees of Timber Limits to the Legislative Assembly*" includes a "permit" or permission; and that notwithstanding the omission of section 48 of chapter 4 of the Acts passed in the 47th year of Her Majesty's reign, from the Revised Statutes of Ontario, 1887, such section is now and has been in force from the time of the passing thereof.

47 V. c. 4, s. 48 declared to be in force.

19. No disqualification on any ground arising before the election shall be held by any Court to affect or to have hitherto affected the seat of a member of the Legislative Assembly, or to disentitle or to have disentitled any person to sit or vote therein, until such disqualification has been duly declared and found by an Election Court. But this is not to be construed as affecting the cases provided for by section 10 of the *Act respecting the Legislative Assembly*; nor as affecting the right of the Legislative Assembly to expel a member according to the practice of Parliament or otherwise.

Disqualfication before election not to apply until declared by courts.

Exceptions as to certain cases.

Rev. Stat. c. 11.

20. Notwithstanding anything contained in section 204 of *The Ontario Election Act 1892*, or section 112 of *The Ontario Controverted Elections Act*, Sunday or any day set apart by any Act of lawful authority for a public holiday, fast or thanksgiving, shall not be excluded in reckoning any period of time under those Acts, but where anything is required by any section of either of the said Acts to be done on a date which falls on any of such days, such thing may be done on the next juridical day.

55 V. c. 3, s. 204 and Rev. Stat. c. 10, s. 112—holidays, etc., not excluded in reckoning time.

No. 99.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Election Laws.

First Reading, 8th March, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 99.] BILL. [1895.

An Act respecting the Election Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Supplementary Election Act 1895.*

Rev. Stat. c. 10, s. 46 amended.

Postponement of trial.

2. Sub-section 1 of section 46 of *The Ontario Controverted Elections Act* is amended by adding at the end thereof, the words: "and an application to postpone the case or extend the time for fixing the day of trial may be made to a judge of the Court of Appeal at any time before the expiration of the said six months, and the judge may thereupon, in his discretion, postpone the case or extend the time for fixing the day of trial to a day before or after the expiration of said six months."

Serving petition.

Rev. Stat. c. 10.

3. Notwithstanding the expiration of the five days mentioned in section 15 of *The Ontario Controverted Elections Act*, the court may, on application within three days thereafter, allow service of the petition as provided for by said section, in the same way, and with the like consequence, as if the application had been made within such five days.

Trial at Toronto or other county town by consent.

4. Where the parties file a consent signed by them or by counsel on their behalf that the trial of the petition may take place in Toronto or some county town specified in the consent, the judges on the *rota*, without further evidence of convenience, may fix the place of trial at the place so specified, though such place may not be in the electoral district the election or return for which is in question.

Application of Rev. Stat. c. 10, ss. 13 and 14.

5. Sections 13 and 14 of *The Ontario Controverted Elections Act* shall apply to the petition provided for by section 7 of said Act.

Disclaimer.

Disclaimer by member elect.

6. A member elected to the Legislative Assembly may disclaim his seat in the manner hereinafter provided, and the

member so disclaiming shall be held to have thereby vacated the seat, and to have ceased to be a member of the said Assembly in respect of the seat so disclaimed.

Mode of disclaiming.

7. At any time after an election the member elect who desires to disclaim, may transmit (postpaid and registered), through the post office, directed to "The Clerk of the Legislative Assembly, Toronto," or may cause to be delivered to such clerk, a disclaimer signed by such member to the effect following:

Form of disclaimer.

"I, A. B., member elect to the Legislative Assembly of the Province of Ontario for the electoral division of , do hereby disclaim all my right or title to sit or vote as such member or in any manner to act as such member."

Effect of disclaimer on right and liabilities.

8. Such disclaimer shall not affect the right of any person entitled to contest the election and claiming the seat for himself or some other person, and shall not affect the liability of the person disclaiming in respect of corrupt practices. In case of a petition claiming the seat for some other person, the judge or judges trying the election shall determine whether any candidate other than the member who has disclaimed was duly elected, and a candidate declared by the judge or judges duly elected shall be entitled to take his seat.

Notice of disclaimer.

9. The Clerk of the House shall at the earliest practicable moment after he receives the disclaimer, transmit or deliver a copy thereof to the Registrar of the Court of Appeal, who shall give notice of such disclaimer to any person who has filed, or who may thereafter present to be filed, a petition against the member so disclaiming.

10. Notwithstanding anything in this Act contained, a judge of the court of appeal may, notwithstanding such disclaimer, upon the application of any voter in the electoral district within ten days after the registrar of the court of appeal shall have received notice of such disclaimer, upon its being made to appear that corruption has extensively prevailed at the election, permit a petition to be filed in the same manner and as though no such disclaimer had been made, or may, upon the grounds aforesaid, permit proceedings upon any petition which has been filed to proceed upon such terms as he may think fit.

Issuing writ when no petition filed after disclaimer.

11. If no petition is filed within the time limited for that purpose, *by the Controverted Elections Act, or by this Act*, or if the petition is dismissed, the Lieutenant-Governor in Council shall direct the issue of a new writ for the election of a member in the place of the member disclaiming; and the writ shall issue accordingly.

12—(1) If a petition is filed before the petitioner has notice of the filing of the disclaimer and if no application is made to the judge for leave to file such petition upon the grounds hereinbefore set forth, or for leave to proceed upon a petition, or if such application is dismissed the member shall pay all costs of the petitioner up to the time such petitioner receives notice of the disclaimer, and the costs of the application, and of any application under section 10, shall be in the discretion of the judge. When petition filed before notice of disclaimer.

(2) The said costs shall be taxed in the same manner as other costs are taxed under *The Ontario Controverted Elections Act*, and may be recovered in the same way. Taxation and recovery of costs.

Voters' Lists in Unorganized Territories.

13. Section 5 of the *Act Respecting Voters' Lists in Unorganized Territories*, passed in the 55th year of Her Majesty's reign and chaptered 2, is hereby repealed and the following substituted therefor: 55 V. c. 2, s. 5 repealed.

5. So soon after the first day of June in each year as may be convenient the officer whose duty it is to prepare a list of voters under this Act shall cause to be posted in a conspicuous manner throughout those parts of the electoral district which consist of unorganized territory, where there are no assessment rolls, at every public and separate school house and at every statutory polling place and every other place at which a poll was held at the last election to the Legislative Assembly a copy of this Act and one or more printed notices in the Form A appended to this Act, and such officer shall attend at the time and place mentioned in the said notice. Posting up lists in unorganized sections.

Identification of Ballots.

14. In order to insure the proper marking of ballot papers by deputy returning officers at elections of members of the Legislature, it is enacted as follows: Proceedings upon marking ballot papers.

(1) The deputy returning officer shall, if required by any candidate present or his agent, exhibit the name or initials signed or stamped by such deputy returning officer upon the back of the ballot paper before handing the ballot paper to the voter. Exhibiting initials of deputy returning officer to persons present.

(2) Any person desiring to vote at an election may decline to receive a ballot paper which has not the name or initials of the deputy returning officer signed or stamped upon it as required by *The Ontario Elections Act 1892*. Voter may decline ballot not initialed. 55 V. c. 3.

(3) Any deputy returning officer wilfully omitting to sign or stamp his name or initials on the back of a ballot paper in use for the purposes of an election shall be liable to a fine of *twenty dollars* in respect of every such ballot paper upon the back whereof he has not signed or stamped his name or initials as required by *The Ontario Election Act 1892*. Penalty for omitting to initial ballots. 55 V. c. 3.

Recovery of penalty under 55 V. c. 3, s. 187.

(4) Such penalty may be recovered in the same manner as other penalties are recoverable under section 187 of *The Ontario Election Act 1892*.

When initialed ballot not to be rejected.

55 V. c. 3.

15. Where upon the opening of the ballot box and the counting of the ballots, it is found that the number of ballot papers signed or stamped by the deputy returning officer as required by *The Ontario Election Act 1892*, is the same as the number which has been given by the deputy returning officer to, and which were used by voters, the omission of the deputy returning officer to sign or stamp some of such ballot papers shall not be a ground for the rejection of the same.

COURT OF APPEAL.

Decisions of Court of Appeal under 55 V. c. 3 and Rev. Stat. c. 10 to be final.

16. The decision of the Court of Appeal on any matter or question under *The Ontario Election Act 1892*, or *The Ontario Controverted Elections Act*, or any amendments to such Acts, shall be final, and shall not be subject to any appeal whatsoever.

Persons representing estates of contractors not to be disqualified.

17.—(1) To remove doubts it is hereby declared that no person is ineligible, or shall be deemed to have been heretofore ineligible, to be a member of the Legislative Assembly, by reason of his being interested as an executor, administrator or trustee only, having otherwise no beneficial interest, in a contract or agreement with Her Majesty, or with a public officer or department with respect to the public service of the Province, or under which public money of the Province is to be paid for any service, work, matter or thing.

Shareholders in contracting companies not disqualified.

(2) Nor is any person ineligible nor shall any person be deemed to have been heretofore ineligible as aforesaid by reason of his being, or having been, a shareholder in an incorporated company having any such contract or agreement as aforesaid;

Exceptions.

provided, however, that this shall not apply to, or declare, eligible a shareholder in a company undertaking a contract for the building of any public work for the Province, or for the supply of goods to any of the public Institutions of the Province which are under the management of the Government, or *of* any department thereof, or for the supply of goods to the Queen's Printer for the Legislature or *for* any Department of the Government. But this proviso (save as to that portion thereof which relates to public works) shall not extend to or affect any shareholder or stockholder who is not such for any sum exceeding $1,000.

Liability for support of inmates of certain institutions not to disqualify.

(3) Nor is any person ineligible nor shall any person be deemed to have been or to be ineligible as aforesaid by reason of his being a surety or contractor or liable for the payment of money for or on account of the maintenance or tuition of an inmate or pupil of the Institute for the Deaf and Dumb or Blind, or a pupil at the Ontario Agricultural College and

Experimental Farm, or at Upper Canada College, or the Toronto University, or University College, or other Government Institution; or by reason of his being or having been a postmaster elsewhere than in a city, town or incorporated village, or interested in a contract for carrying the mail between two or more post offices other than cities, towns or incorporated villages, nor by reason of his being the surety of any such postmaster or contractor.

"License," meaning of in 57 V. c. 8.

47 V. c. 4, s. 48 declared to be in force.

18. To further remove doubts it is hereby declared that the word "license" in the Act intituled "*An Act respecting the Election of Licensees of Timber Limits to the Legislative Assembly*" includes a "permit" or permission; and that notwithstanding the omission of section 48 of chapter 4 of the Acts passed in the 47th year of Her Majesty's reign, from the Revised Statutes of Ontario, 1887, such section is now and has been in force from the time of the passing thereof.

Disqualfication before election not to apply until declared by courts.

Exceptions as to certain cases.

Rev. Stat. c. 11.

19. No disqualification, *under sections 8 or 9 of cap. 11, R. S. O.*, on any ground arising before the election shall be held by any Court to affect or to have hitherto affected the seat of a member of the Legislative Assembly, or to disentitle or to have disentitled any person to sit or vote therein, until such disqualification has been duly declared and found by an Election Court. But this is not to be construed as affecting the cases provided for by section 10 of the *Act respecting the Legislative Assembly*; nor as affecting the right of the Legislative Assembly to expel a member according to the practice of Parliament or otherwise.

Time.

Standard time to govern.

55 V. c. 3, Rev. Stat., c. 10.

☞**20**. What is commonly known as Standard Time and not Solar Time shall govern in all matters under *The Ontario Election Act, 1892*, or *The Ontario Controverted Elections Act* or amendments thereto, and sections 204 of *The Election Act, 1892*, and 112 of *The Ontario Controverted Elections Act* are repealed, and Sunday and any day set apart by any Act of lawful authority for a public holiday, fast or thanksgiving, shall not be excluded in reckoning any period of time under those Acts, but where anything is required by any section of the said Acts to be done on a day or date which falls on any of those days, or where the last day for doing anything or for taking any proceedings under said Acts, falls on any of such days, such thing may be done on the next juridical day.☜

No. 99.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Election Laws.

First Reading, 8th March, 1895.

(Reprinted with proposed amendments for Committee of the Whole House.)

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 100.] **BILL.** [1895.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

See R. S. O., c. 44, s. 32; 55 Vict. c. 14, Ont.; Imp. 40 and 41 Vict., c. 18; Imp. 44 and 45 Vict., c. 41, s. 70; Imp. 45 and 46 Vict., c. 38; Imp. 47 and 48 Vict., c. 18; Imp. 57 and 58 Vict., c. 56.

1. This Act may be cited as *The Settled Estates' Act 1895*. Short title.

INTERPRETATION.

2.—(1) The word "settlement" as used in this Act [and the Rules appended thereto] signify any Act of Parliament, deed, agreement, will or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively. Interpretation "Settlement.

(2) The term "settled estates," as used in this Act, and the said Rules signify all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement; and for the purposes of this Act a tenant in tail after possibility of issue extinct shall be deemed to be a tenant for life. "Settled estates." Tenant in tail after possibility of issue extinct.

(3) All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir, or [as upon an intestacy to the representative], of a testator, shall be deemed to be estates coming to such settlor, heir [or representative] under or by virtue of the settlement. Estates in remainder or reversion not disposed of by settlement.

(4) In determining what are settled estates within the meaning of this Act [and the said Rules] the court shall be governed by the state of facts, and by the trusts or limitations of the settlement at the time of the said settlement taking effect. Determining whose are settled estates.

[Imp. 40 & 41 Vict., c. 18. sec. 2.]

"Court."

(5) The expression "the court" in this Act and the said Rules shall mean the High Court of Justice for Ontario, but the jurisdiction hereby conferred shall be exercisable by any judge or judges of the said court subject to the provisions of *The Judicature Act* and of the Rules of the Supreme Court of Judicature.

Rev. Stat., c. 44.

LEASES OF SETTLED ESTATES.

Power to authorize leases of settled estates.

3. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorize leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed:

[Imp. 40 & 41 Vict., c. 14, s. 4.]

When lease to take effect.

Firstly. Every such lease shall be made to take effect in possession at or within one year after the making thereof, and shall be for such term of years as the court shall direct, where the court shall be satisfied that it is beneficial to the inheritance to grant such a lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 1.]

Agreements for renewal.

Secondly. Any such lease may contain an agreement for the renewal, or renewals, thereof, if the court shall think fit, and the court may determine the length of time for which such renewal or renewals, if any, may be made.

[Ont. 53 Vict., c. 14.]

Rent to be reserved.

Thirdly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine [and shall be incident to the immediate reversion];

Proviso.

provided always, that in the case of a mining lease, a repairing lease or a building lease, a nominal rent or any smaller rent than the rent to be ultimately made payable, may, if the court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 2.]

Reservation of rent to leases of earth, coal, stone or minerals.

Fourthly. Where the lease is of any earth, coal, stone or mineral, a certain portion of the whole rent or payment reserved, shall be from time to time set aside and invested as hereinafter mentioned, namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone or mineral for his own benefit, one-fourth part of such rent, and otherwise three-fourth parts thereof; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the court shall deem expedient.

[Imp. 40 & 41 Vict., c. 18, s. 4, sub-s. fourthly; s. 33.]

Fifthly. No such lease shall authorize the cutting of any timber or the felling of any trees except [in the ordinary course of husbandry, or so far as shall in the judgment of the court be necessary, or be made without impeachment of waste]. Cutting timber.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 4.]

Sixthly. Every lease shall be by deed, and the lessee shall execute a duplicate thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf. Form of lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 5.]

4. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances of the demise. Leases may contain special covenants.

[Imp. 40 & 41 Vict., c. 18, s. 5.]

5. The power to authorize leases conferred by this Act shall extend to authorize leases either of the whole or any parts of the settled estates, and may be exercised from time to time Parts of settled estates may be leased.

[Imp. 40 & 41 Vict., c. 18, s. 6.]

6. Any leases, whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorize leases conferred by this Act shall extend to authorize new leases of the whole or any part of the hereditaments comprised in any surrendered lease. Leases may be surrendered and renewed.

[Imp. 40 & 41 Vict., c. 18, s. 7.]

7. The power to authorize leases conferred by this Act shall extend to authorize preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases. Power to authorize leases to extend to preliminary contracts.

[Imp. 40 & 41 Vict., c. 18, s. 8.]

8. The power to authorize leases conferred by this Act may be exercised by the court, either by approving of particular leases, or by ordering that powers of leasing in conformity with the provisions of this Act shall be vested in trustees in manner hereinafter mentioned. Mode in which leases may be authorized.

[Imp. 40 & 41 Vict., c. 18, s. 10.]

9. When application is made to the court either to approve of a particular lease, or to vest any powers of leasing in trustees, the court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value and circumstances of the estate and the terms and conditions on which leases thereof ought to be authorized. What evidence to be produced of an application to authorize leases.

[Imp. 40 & 41 Vict., c. 18, s. 11.]

After approval of a lease, court to direct who shall be lessor.

10. When a particular lease or contract for a lease has been approved by the court, the court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise as the court shall direct.

[Imp. 40 & 41 Vict., c. 18, s. 12.]

Powers of leasing may be vested in trustees.

11. Where the court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order, vest any such power accordingly, either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct; and in every such case the court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power, and the court may also authorize the insertion of provisions in any such order for the appointment of new trustees from time to time, for the purpose of exercising such powers of leasing as aforesaid.

[Imp. 40 & 41 Vict., c. 18, s. 13.]

Conditions that leases be settled by the court not to be inserted in orders made under this Act.

12. Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons, no conditions shall be inserted requiring that the leases thereby authorized should be submitted to or be settled by the court, or a judge thereof, or be made conformable with a model lease, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the court that there is some special reason rendering the insertion of such a condition necessary or expedient.

[Imp. 40 & 41 Vict., c. 18, s. 14.]

Conditions where inserted may be struck out.

13. Provided also, that in all cases of orders (whether under this Act [or under any Act]) in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the court to alter and amend such orders by striking out such condition, and the court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the court to act under this provision in any case in which from the evidence which was before

it when the order sought to be altered was made, or from any other evidence, it shall appear to the court that there is any special reason why in the case in question such a condition is necessary or expedient.

[Imp. 40 & 41 Vict., c. 18, s. 15.]

COURT MAY AUTHORIZE SALES OF SETTLED ESTATES, AND OF TIMBER.

Sales of settled estate may be ordered.

14. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to authorize a sale of the whole or any part of any settled estates or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the Rules and practice of the court for the time being is or shall be required in the sale of lands sold under [an order] of the court.

[Imp. 40 & 41 Vict., c. 18, s. 16.]

COURT MAY AUTHORIZE SALES, MORTGAGES OF SETTLED ESTATES TO MAKE REPAIRS OR IMPROVEMENTS AND TO PAY OFF INCUMBRANCES.

Mortgages for purpose of repairs, etc.

15. It shall be lawful for the court—if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained—from time to time to authorize a mortgage of the whole or any part or parts, of any settled estates in the Province for the purpose of raising money to repair, rebuild or alter any existing buildings upon the said estate, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon; [or to authorize a sale of any part or parts of any settled estates for the purpose of raising money to repair, rebuild or alter any existing buildings upon the remainder of such settled estates, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon;] and such sale or mortgage is to be authorized wherever the court is of opinion that the interests of the estate or any part thereof or of the parties entitled to the estates or any part thereof, requires, or will be substantially promoted by such mortgage. (*New.*)

Proceedings for protection.

16. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties who are or who may hereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to

the Legislature or other proceedings appearing to the court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys, or investments representing moneys, liable to be laid out in the purchase of hereditaments to be settled in the same manner as the separate estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits or income.

[Imp. Settled Land Act; 1882, s. 36.]

Consideration for land sold for building may be a rental.

17. When any land is sold for building purposes it shall be lawful for the court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the court shall approve.

[Imp. 40 & 41 Vict., c. 18, s. 18.]

Minerals, etc., may be excepted from sales.

18. On any sale of land, any earth, coal, stone or mineral may be excepted, and any rights or privileges may be reserved and the purchaser may be required to enter into any covenants or submit to any restrictions which the court may deem advisable.

[Imp. 40 & 41 Vict., c. 18, s. 19.]

COURT MAY AUTHORIZE DEDICATION OF ANY PART OF SETTLED ESTATES FOR STREETS, ROADS AND OTHER WORKS.

Dedications for streets, etc.

19. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act [and in *The Consolidated Municipal Act*, *The Land Titles Act*, and in *The Registry Act*] contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, and the court may direct that the parts so laid out shall [subject to the provisions of *The Consolidated Municipal Act*, *The Land Titles Act*, and of *The Registry Act*] remain vested in the trustees of the settlement, or be conveyed to, or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the court shall be deemed advisable.

[Imp. 40 & 41 Vict., c. 18, s. 20.]

AS TO LAYING OUT AND MAKING AND EXECUTING AND MAINTAINING STREETS, ROADS, AND OTHER WORKS, AND EXPENSES THEREOF.

How provision made for laying out streets, etc.

20. Where any part of any settled estates is directed to be laid out for such purposes as aforesaid, the court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary and proper fences, pavings, connections and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution, be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estates, or be raised and paid out of the rents and profits of the settled estates or any part thereof, or out of any moneys, or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income; and the court may also give such directions as it may deem advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period or periods of time as to the court shall seem advisable, [provided that the powers hereby granted shall in every case be exercised subject to the provisions of *The Consolidated Municipal Act, 1892*, *The Land Titles Act*, and of *The Registry Act, 1893*]. [Imp. 40 and 41 Vict., c. 18, s. 21.]

55 V. c. 42. Rev. Stat., c. 116. 56 V. c. 21.

HOW SALES [MORTGAGES] AND DEDICATIONS ARE TO BE EFFECTED UNDER THE DIRECTIONS OF THE COURT.

Direction as to execution of deeds.

21. On every sale [mortgage] or dedication to be effected as hereinbefore mentioned the court may direct what person or persons shall execute the deed of conveyance [or mortgage]; and the deed [or mortgage] executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale [mortgage] or dedication, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct.

[Imp. 40 & 41 Vict., c. 18, s. 22.]

Who may apply for exercise of powers conferred by this Act.

22. Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for a term of years determinable on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignee of any person, who, but for such assignment, would be entitled to such estates for a term of years deter-

minable with any life, or for an estate for any life or any greater estate, may apply to the court by petition in a summary way to exercise the powers conferred by this Act.

[Imp. 40 & 41 Vict., c. 18, s. 23.]

With whose consent such application to be made.

23. Subject to the exceptions hereinafter contained every application to the court must be made with the concurrence or consent of the following parties, namely:

Where there is a tenant in tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant in tail, or if there is more than one such tenant in tail, then the first of such tenants in tail, and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant in tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant in tail.

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

[Imp. 40 & 41 Vict., c. 18, s. 24.]

Court may dispense with consent in respect of certain estates.

24 Provided always, that where an infant [or person of unsound mind not so found] is tenant in tail [or beneficially interested] under the settlement, it shall be lawful for the court, if it think fit, to dispense with the concurrence or consent of such person.

[Imp. 40 & 41 Vict., c. 18, s. 25.]

Notice to be given to persons who do not consent to, or concur in, the application.

25. Provided always, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the court shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the court.

[Imp. 40 & 41 Vict., c. 18, s. 26.]

Court may dispense with notice under certain circumstances.

26. Provided also, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person can

not be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject matter of the application [or the interest of such person therein] then and in any such case the court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the court.

[Imp. 40 & 41 Vict., c. 18, s. 27.]

Court may dispense with consent, having regard to the number and interests of the parties.

27. An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the court, in considering the application, shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

[Imp. 40 & 41 Vict., c. 18, s. 28.]

Petition may be granted without consent, saving rights of non-consenting parties.

28. Provided nevertheless, that it shall be lawful for the court if it shall think fit, to give effect to any petition subject to, and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted, or is not deemed to have submitted, his rights or interests to be dealt with by the court, or whose rights, estate or interest ought in the opinion of the court to be excepted.

[Imp. 40 & 41 Vict., c. 18, s. 29.]

Notice of application to be served on all trustees, etc.

29. Notice of any application to the court under this Act shall be served on all trustees who are seized or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the court ought to be so served, unless the court shall think fit to dispense with such notice.

[Imp. 40 & 41 Vict., c. 18, s. 30.]

Notice of application to be given in the newspapers if court direct.

30. Notice of any application to the court under this Act shall, if the court shall so direct, but not otherwise, be inserted in such newspapers as the court shall direct, and any person or body corporate, whether interested in the estate or not, may be heard in opposition to or in support of any application which may be made to the court under this Act; and the court

is hereby authorized to permit such person or corporation to appear and be heard in opposition to or support of any such application on such terms as to costs or otherwise, and in such manner as it shall think fit.

[Imp. 40 & 41 Vict., c. 18, s. 31.]

No application under this Act to be granted where a similar application has been rejected by legislative assembly.

31. The court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to the Legislative Assembly of this Province for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or was reported against by the judges to whom the Bill may have been referred.

[Imp. 40 & 41 Vict., c. 18, s. 32.]

Notice of the exercise of powers to be registered.

32. Deeds, mortgages, leases and other instruments executed in pursuance of the exercise of any of the powers conferred by this Act shall not take effect until registered in the proper Registry or Land Titles office where the lands are situate, and in the case of leases the duplicate to be registered shall be executed by the lessee as well as the lessor.

[Imp. 40 & 41 Vict., c. 18, s. 33.]

APPLICATION OF MONEYS ARISING FROM SALES, ETC.

Payment and application of moneys arising from sales or set aside out of rent, etc., received on mining leases.

33. All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same shall be paid into court [to the credit of the matter of this Act, and the estate (*shortly describing the same*)]; and such money shall be applied, as the court shall, from time to time direct, to one or more of the following purposes, namely:

[(*a*) The payment of any costs which the court may see fit to be ordered to be paid; or]

(*b*) The discharge of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts; or

(*c*) The purchase of other hereditaments to be settled in the same manner as the hereditaments in respect of which the money was paid; or

(*d*) The payment of the expenses connected with any buildings, repairs, rebuildings, alterations or improvements authorized to be made upon the settled estates in question.

(*e*) The payment to any person becoming absolutely entitled.

[Imp. 40 & 41 Vict., c. 18, s. 34.]

34. The application of the money in manner aforesaid may, if the court shall so direct, be made by the trustees (if any) to whom the court has authorized the same to be paid, without any application to the court; or upon an order of the court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land.

[Imp. 40 & 41 Vict., c. 18, s. 35.]

Trustees may apply moneys in certain cases without application to court.

35. Until the money can be applied as aforesaid, the interest [accruing thereon] shall be paid, as [the court shall direct] to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land.

[Imp. 40 & 41 Vict., c. 18, s. 36.]

Until money can be applied interest to be paid to parties entitled.

36. Where any purchase money paid into court or to trustees under the provisions of this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the court on the petition of any party interested in such money to order that the [interest which shall accrue thereon be] paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid, or as near thereto as may be.

[Imp. 40 & 41 Vict., c. 18, s. 37.]

Court may direct application of money in respect of leases or reversions as may appear just.

COURT MAY EXERCISE POWERS REPEATEDLY, BUT MAY NOT EXERCISE THEM IF EXPRESSLY NEGATIVED.

37. The court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if any express declaration that they shall not be exercised is contained in the settlement; provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended.

[Imp. 40 & 41 Vict., c. 18, s. 38.]

Court may exercise powers repeatedly.

38. Nothing in this Act shall be construed to empower the court to authorize any lease, [mortgage], sale, or other act beyond the extent to which, in the opinion of the court, the same might have been authorized in and by the settlement by the settlor.

[Imp. 40 & 41 Vict., c. 18, s. 39.]

Court not to authorize any Act which could not have been authorized by the settlor.

Acts of the courts in the professed pursuance of this Act not to be invalidated.

39. After the completion of any lease, [mortgage], or sale, or other act under the authority of the court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the court was not hereby empowered to authorize the same.

[Imp. 40 & 41 Vict., c. 18, s. 40, in part repealed by 44 & 45 Vict. cap. 41, s. 70; and by 57 & 58 Vict. cap. 56].

ORDERS OF COURT CONCLUSIVE.

Orders of court conclusive.

40. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice or service, whether the purchaser has notice of any such want or not.

This section shall have effect with respect to any lease, [mortgage], sale or other act, under the authority of the court, and purporting to be in pursuance of this Act, or to be in pursuance of any former Act repealed or amended by this Act, notwithstanding any exception in such former Act.

[Imp. 44 & 45 Vict. c. 41, s. 70.]

COSTS.

Costs.

41. It shall be lawful for the court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act, shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations [or may direct the same to be paid out of the corpus or income of any fund realized by the sale, mortgage or lease of such estate under the provisions of this Act] and the court may also direct that such costs and expenses shall be raised by a sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed [and paid] as the court shall direct.

[Imp. 40 & 41 Vict, c. 18, s. 41.]

LEASES BY TENANTS FOR LIFE.

Tenants for life, etc., may grant leases for 21 years.

42. It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estate for an estate for any life, or for a term of years determinable with any life or lives or for any greater estate, either in his own right or in right of his wife, unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise; and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the curtesy or in dower, or in right of a wife who is seised in fee, without any

application to the court, to demise the same or any part thereof, from time to time, for any term not exceeding 21 years.

When lease to take effect.

(2) To take effect in possession, at or within one year next after the making thereof; provided that every such demise be made by deed, and the best rent that can be reasonably obtained be thereby reserved without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion; and provided that such demise be not made without impeachment of waste, and do contain a covenant [by the lessee] for payment of the rent, and such other usual and proper covenants as the lessor shall think fit.

Proviso.

(3) [Provided that as to any clauses, matters or things by section 3 in the discretion of the court, the lessor may apply to the court *ex parte* to exercise such discretion.]

Application of sec. 3.

(4) [Every such lease shall, as to the form, execution and registration thereof, be subject to the provisions of sections 3 and 32 of this Act.]

[Imp. 40 & 41 Vict., c. 18, s. 46.]

Against whom leases shall be valid.

43. Every demise authorized by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife, and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

[Imp. 40 & 41 Vict., c. 18, s. 47.]

PROVISIONS AS TO APPLICATIONS, CONSENTS, ETC.

Provisions as to infants, lunatics, etc.

44. All powers given by this Act, and all applications to the court under this Act, and consents to and notifications respecting such applications may be executed, made, or given by, and all notices under this Act may be given to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation or insolvents; and the Official Guardian *ad litem*, or any other guardian *ad litem* appointed by the court may consent to, and give notifications respecting such applications, and give all notices under this Act on behalf of any infant or person of unsound mind not so found; provided, nevertheless, that in the cases of infants or lunatics, or persons of unsound mind not so found, all consents to or notifications or notices respecting any application so given by any committee or by the Official Guardian or other guardian *ad litem* appointed by the court shall be subject to the approbation of the court.

[Imp. 40 & 41 Vict., c. 18, s. 49. New as respects Official Guardian, and persons of unsound mind not so found.)

As to application by or consent of married women, whether of full age or under age.

45. Married women may make or consent to [or oppose] any applications whether they be of full age or infants.

[Imp. 40 & 41 Vict., c. 18, s. 52.]

No obligation to make or consent to application, etc.

46. Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the court or to exercise any power.

[Imp. 40 & 41 Vict., c. 18, s. 53.]

Tenants for life, etc., to be deemed entitled notwithstanding incumbrances.

47. For the purposes of this Act a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates although his estate may be charged or incumbered either by himself or by the settlor, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.

[Imp. 40 & 41 Vict., c. 18, s. 54.]

Exception as to entails created by Act of Parliament.

48. Provided always, that nothing in this Act shall authorize any sale, [mortgage], or lease beyond the term of 21 years of any settled estates in respect of which, under any Statute, the tenants in tail are restrained from barring or defeating their estates tail, or where the reversion is vested in the Crown.

[Imp. 40 & 41 Vict., c. 18, s. 55.]

To what settlements this Act to extend.

49. This Act shall, except as hereinafter provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act.

[Imp. 40 & 41 Vict., c. 18, s. 57.]

Rules of Court.

Rules of court.

50. The Rules in the schedule to this Act shall be deemed and construed as Rules of Court, and shall regulate the proceedings in the High Court of Justice as to all matters to which the said Rules extend. But such Rules may be annulled or altered by the authority by which under *The Judicature Act* new Rules of Court may be made.

Rev. Stat., c. 44.

[Ont. *Judicature Act*, s. 105; Imp. 40 & 41 Vict., c. 18, s. 42.]

Rev. Stat., c. 44, s. 32, amended; 53 V. c. 14, repealed.

51. The thirty-second section of *The Judicature Act* is amended by striking out the words "in regard to leases and sales of settled estates and," in the first subsection thereof, and by striking out the second and fifth subsections; and the statute passed in the 53rd year of Her Majesty's reign, chapter 14, intituled *An Act to amend the Law respecting the Lease and Sale of Settled Estates*, is hereby repealed;

Proviso.

pro-

vided always, that this section shall not affect anything done or any proceedings taken under any enactment hereby amended or repealed. [*New.*]

52. Nothing in this Act shall interfere with the exercise of any powers to authorize or grant leases conferred by any Statute not expressly repealed by this Act [Imp. 40 & 41 Vict., c. 18, s. 59.] Powers conferred by other Acts.

SCHEDULE.

RULES OF COURT (*ante*, sec. 50).

[(1) All proceedings under the Act shall be intituled in accordance with Form No. 1 in the Appendix;] and every petition shall in the body thereof, or in a schedule thereto, or by plan thereto annexed, contain a detailed description of the property proposed to be dealt with by such petition sufficient to identify the same. [Every petition shall be filed with the Clerk of Records and Writs at Osgoode Hall, in the city of Toronto, at least fourteen days before the day named for the hearing thereof, and all notices required to be given by the Act and Rules may be given at any time after the filing of the petition.] Title petition affidavits, etc.

[Imp. Settled Estates Act Orders, 1878, No. 2.]

(2) The notice to be given by the 25th section of the Act, if given before the hearing (or if given after the hearing and the judge shall not otherwise direct), may, without any other direction of the court, be given within the jurisdiction of the court by delivering to the person to be served a notice (in the form No. 2 in the Appendix hereto) with such variations as circumstances require, and the time to be specified in such notice for the person served to [file and] deliver a notification shall be not less than 14 clear days after the service. In case the person to be served is out of the jurisdiction of the court, or it is desired to serve such notice on any person within the jurisdiction of the court in any other manner than above provided, an application shall be made at chambers *ex parte* by the petitioner for directions as to the manner in which such notice shall be given, and as to the time to be specified in such notice within which the notification is to be made by the person served. Notice to be given.

[Imp. Settled Estates Act Orders, 1878, No. 4.]

(3) Infants, and persons of unsound mind (not so found), required to be served with notice of any application to the High Court, may be served by delivering to the Official Guardian, *ad litem*, a copy of the petition or other proceeding required to be served; and from the time of such service, the said Official Guardian shall be the guardian *ad litem* of the infant, or person of unsound mind, unless and until the court or judge otherwise orders; and the said Official Guardian, or Service on infants and persons of unsound mind not so found.

any other guardian appointed by the court for such infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian. In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the Official Guardian *ad litem*, one copy only of the petition or other proceeding need be so served, but the name of each person on whose behalf the Official Guardian *ad litem*, is served is to be stated on the copy served; [provided also, that in the case of a person of unsound mind (not so found), he shall, when practicable, be also personally served with notice of any application, and in case it shall not be practicable, then the person in whose custody or care he may be living shall be served with such notice.]

[R. S. O., 1887, c. 44, s. 32, s.s. 3, 4.]

Examination of married women only necessary if directed by the court.

(4) The examination of a married woman apart from her husband as to her knowledge of the nature and effect of an application for the sale, [mortgaging] or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court.]

[R. S. O., 1887, c. 44, s. 32, s.s. 2.]

Where infant is applicant.

(5) An infant may make any application to the court under the Act [by his guardian or next friend, and in any such case the Official Guardian *ad litem* or any other guardian *ad litem* appointed by the court shall be served with a copy of the petition, and the said Official Guardian or other guardian *ad litem* appointed by the court shall thereafter attend and watch the proceedings on behalf of such infant.]

[Imp. Settled Estates Act Orders, 1878, No. 5.]

Notice of hearing.

(6) Notice of the hearing of the petition shall be served on all persons dissenting from, or desiring to be heard in opposition thereto, and upon committees of lunatics, and upon the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court, who may be interested in the proceedings on behalf of any infant or person of unsound mind (not so found), at least two clear days before the day for hearing the same; and on filing with the Clerk of Records and Writs, on any day before the day fixed for hearing the petition, the notice of hearing with proper proof of service, the said Clerk shall enter the same for hearing on the list for the day for which notice of hearing is given. [*New.*]

Evidence on application as to lunatic.

(7) Where a committee of a lunatic shall make or consent to any application, or give any notification respecting any application, the authority of such committee to act on behalf of the lunatic shall be produced [to the court, and also evidence to satisfy the court that it is, and the committee is to make an affidavit that he believes that it is proper and consistent with a due regard to the interest of such lunatic; and] if it shall appear that it is proper and consistent with a due regard for the interest of the lunatic that the committee shall make

or consent to the application, or give any specific notification respecting the application, the court may [approve of his so doing]

[See Imp. Settled Estates Act Orders, 1878, No. 11.]

Evidence as to [consent of infant or person of unsound mind, not so found.]

(8) [Where the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court], of an infant, [or the Official Guardian *ad litem*, on behalf of any person of unsound mind, (not so found), shall] consent to any application, or give any notification respecting any application, evidence is to be produced to satisfy the court that it is, and the guardian is to make a affidavit that he believes that it is proper and consistent with a due regard to the interest of such infant [or person of unsound mind, not so found] that such [consent] shall be given, [and thereupon the court may approve of the same being given].

[Imp. Settled Estates Act, Ord. 12.]

Evidence that application is proper.

(9) Upon every petition the court shall be satisfied by sufficient evidence that it is proper and consistent, with a due regard for the interests of all parties entitled under the settlement, that the powers should be exercised, and it shall be stated in the affidavit why and upon what ground it is deemed to be so.

[Imp. Settled Estates Act, Ord. 15.]

Evidence of service on trustees.

(10) Upon every petition where there are any trustees seized or possessed of any estate in trust for any of the persons whose consent or concurrence to or in the application is required, evidence is to be produced that notice of the application has been served on such trustees.

[Imp. Settled Estates Act, Ord. 16.]

Evidence of no previous application to parliament.

(11) Upon every petition evidence shall be produced to satisfy the court that neither the applicant nor any party entitled has previously applied to the [Legislative Assembly of the Province of Ontario] for a private Act to effect the same or similar object, or if any such application has been made, that the same was not rejected on its merits or reported against by the judges to whom the Bill may have been referred.

[Imp. Settled Estates Act, Ord. 17.]

Service or advertisement of notice.

(12) If upon the hearing of any petition the court shall be of opinion that notice ought to be served on any person who shall not have been served, or that notice of application ought to be inserted in any newspaper, the court shall give directions accordingly, and the petition shall stand over generally or to such time as the court shall direct.

[Imp. Settled Estates Act, Ord. 18.]

Where advertisement — Persons who may be heard.

(13) When the court shall, at the hearing, have directed notice of any application to be inserted in any newspapers, any person may, at the time specified in the notice, be heard in opposition to or in support of the application, subject to such order as the court shall think fit to make as to costs.

[Imp. Settled Estates Act, Ord. 19.]

What order is to state.

(14) Every order shall state, in addition to the names of the petitioners, the names of the persons other than the petitioners who concur or consent, or to whom notice of the application has been given, or who may have appeared in opposition to or in support of the application, and whether any notice was received from the persons to whom notice has been given, and if any has been received, the purport thereof, and also the names of the persons, if any, notice to whom has been dispensed with, and whether the order is made subject to any, and what rights, estate or interest of any person whose concurrence or consent has been refused, or who shall not, or shall not be deemed to have submitted his rights or interests to be dealt with by the court, or whose rights or interests ought, in the opinion of the court, to be excepted.

[Imperial Settled Estates Act, Ord. 24.]

In case of leases.

(15) In cases where the court authorizes a lease, the order shall direct that the lease shall contain such conditions as are required by the Act, and such other covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances, or may direct the same to contain such covenants, conditions and stipulations as may be approved by the [Master in Ordinary, or a Local Master].

[Imp. Settled Estates Act, Ord. 25.]

Forms.

(16) The Forms set forth in the Appendix hereto shall be adhered to, subject only to such variations as may be necessary to meet the circumstances of the case or direction of the court.

[Imp. Settled Estates Act, Ord. 27.]

Saving clause.

(17) In all cases not provided for by the Act or these Rules, the existing forms and mode of procedure and general practice of the court on similar proceedings shall apply to proceedings under this Act.

[Imp. Settled Estates Act, Ord. 28.]

Court may dispense with Rules.

(18) The Court, in the case of any petition, may, by special order, dispense with all or any of the preceding Rules, so far as they are applicable to such petition, in any case in which it shall think fit, and upon such terms and conditions (if any) as it may deem proper.

[Imp. Settled Estates Act, Ord. 32.]

Short title.

(19) The Rules may be cited as *The Settled Estates Act Rules, 1895*, [and shall remain in force so long as, and be subject to be amended or added to as the Supreme Court of Judicature for Ontario shall see fit].

[Imp. Settled Estates Act., Ord. 34.]

APPENDIX.

No. 1.—Form of Order.

(*Title same as Petition, Form No 2.*)

Upon the humble petition of *C. D.* presented unto the Court this day by (*name of petitioner or petitioners in full*) praying (*as in the petition set out, and describing the lands, messuages or tenements as in the petition*) and it appearing to the satisfaction of the Court that neither the applicant nor any other party entitled has previously applied to the Legislative Assembly of the Province of Ontario to effect the same or a similar object to that prayed for in the petition (*or if any such application has been made, show that the same was not rejected on its merits or reported against by the Judge to whom the Bill may have been referred*) and it appearing to the satisfaction of the Court that the said petitioner was duly qualified to apply by way of petition for the relief asked for, and that the petitioner duly filed with the Clerk of Records and Writs at Osgoode Hall, Toronto, his said petition, and thereafter properly gave notice of the filing of the same to (*here give the names in full of all persons other than the petitioner, to whom notice of the application has been given*) and required them to notify in manner directed by *The Settled Estates Act* their consent or otherwise to the application, of whom (*here give the names in full of all persons served with notice of the application who concur or consent*) have concurred in and consented to the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have neither filed nor served any notification of consent or dissent*) have neither consented to nor dissented from the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have submitted their rights and interests to be dealt with by the Court*) have submitted their rights and interests to be dealt with by the Court, and of whom (*here give the names in full of all persons served with notice of the application who have appeared in opposition to the prayer of the said petition being granted*) have appeared in opposition to the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have appeared in support of the prayer of the said petition being granted*) have appeared in support of the prayer of the said petition being granted, and of whom (*here give the names of all trustees served with notice of the application, and the names of the beneficiaries on whose behalf the trustees are served*) are trustees representing (*names of beneficiaries*) which said trustees have been duly served with notice of this application, and who consent to (*or*, dissent from) the granting of the prayer of the said petition (*as the case*

may be), and of whom (*here give the names in full of all persons served with notice of the application who have filed and served any notice* [*setting forth the purport thereof*] *but who have not appeared before the Court*), and of whom (*here give the names in full of any infants or persons of unsound mind not so found for whom the official guardian* ad litem *or any other guardian* ad litem *appointed by the Court has been served*) being infants (*or*, persons of unsound mind, *as the case may be*), the Court has approved of the concurrence and consent by the official guardian *ad litem* (*or*, other guardian *ad litem* appointed by the Court, *as the case may be*) on behalf of such infant (*or*, person of unsound mind, *as the case may be*) to the prayer of the said petition being granted; and of whom (*here give the names in full of any lunatics and of their committees who have been served for the lunatics with notice of this application*), being a lunatic represented by E. F., his committee, the Court has approved of the said committee concurring and consenting on behalf of the said lunatic to the prayer of the said petition being granted; and this Court having been pleased to dispense with service of notice of this application on (*here give the names in full of all persons on whom service of the notice of the application has been dispensed with by the Court*), and the Court having ordered that notice of this application should be inserted in the a newspaper published at in the county of and it appearing that the said notice was duly published in manner directed, in pursuance of which advertisement (*here give the names of all persons who have appeared pursuant to the advertisement*) have appeared in pursuance of the said advertisement and have been heard before this Court (*or*, no one having appeared pursuant to the said advertisement, *as the case may be*), and this Court being satisfied from the affidavits of (*here give the affidavits filed*) filed in support of this petition, and from the evidence of (*here give the names of all persons who have given* viva voce *evidence in support of the petition*) that it is proper and consistent, with a due regard for the interests of all parties entitled under the said will (*or*, other settlement, *as the case may be*) that the prayer of the said petition should be granted, and it appearing that all parties entitled to notice of the hearing of the petition have been duly notified of the hearing hereof, and upon reading the said petition and hearing what was alleged by counsel for :

This Court doth order that (*here set out the relief asked for by the petition so far as the same has been granted by the Court*).

If any persons' rights are reserved by the order, then show whether the order is made subject to any and what rights, estate or interest of any person whose concurrence or consent has been refused, or, who shall not, or shall not be deemed to, have submitted his rights or interests to be dealt with by the Court, or, whose rights, or interest, ought, in the opinion of the Court, to be excepted.

If the purchase money is to be paid into Court or to trustees, state the provisions as to disposition of purchase money having reference to sections 33, 34, 35, 36 and 37 of the Act.

If the Court grants a lease, see rule 15 as to what the order shall contain.

No. 2.—Form of Title of Petition and other Proceedings

Title of Petition.

In the High Court of Justice,

In the matter of estates settled by *A B.* (*or A. B.* and others), by will dated (*or* deed dated) consisting of certain lands or messuages or tenements in the of in the county of

and in the matter of *The Settled Estates' Act 1895.*

No. 3.—Form of Notice Pursuant to Section 25 of the Act.

(Title same as Petition, Form 1.)

Take notice that (*name petitioners and their address, as in petition*) have [filed in the office of the Clerk of Records and Writs at Osgoode Hall, Toronto] a petition in the above matters praying that (*as in petition, and describing the lands, messuages or tenements as in the petition*) and it is intended to apply to the said court for an order in accordance with such prayer, and you are (severally) hereby required to [file a notification in the office of the said Clerk of Records and Writs at Osgoode Hall, Toronto] in writing within [14 days] after the service hereof whether you assent to or dissent from such application, or submit your rights or interests so far as they may be affected by such application, to be dealt with by the court, [and a copy of] such notification is to be delivered to the petitioners' solicitors or left for them at the address specified at the foot hereof, and may be so delivered by transmitting the same to them by post at such address. Imp. S. E. Act, Ord. Form 4.

If no notification shall be so [filed and] delivered within the time above limited you will be deemed to have submitted your rights and interests to be dealt with by the court, [and the court may thereupon make such order as it shall see fit without further notice to you.]

In the event of your dissenting from such application and desiring to be heard in opposition to the application, you are by your notification, to require notice to be given to or left for you or your solicitor at a place within two miles of the office of the said Clerk of Records and Writs, (see Con. Rule 241) to be specified of the day on which the petition is fixed for hearing.

You or your solicitor can, upon reasonable notice to the undernamed, *A.* and *B.*, inspect and peruse a copy of the petition without payment of any fee, and you are entitled at your own expense to have a copy of such petition furnished to you.

Imp. S. E. Act, Ord. Form 12, Consol. Rule 241.

Where a trustee is to be served under section 29 of the Act, add: "This notice is given you in pursuance of the above Act, because you are seized or possessed of an estate in trust for (*name beneficiary*) whose consent or concurrence to or in the application is required by the Act."

Dated day of

A. and *B.*
Petitioners' Solicitors,
(*address*)

To (*name person or all persons to be served pursuant to above section.*)

Note—A copy of the above notice, with a notification at the foot thereof to be filled up by you, is sent herewith.

[Imp. Settled Estates Act, Orders, 1878. Appendix Forms 4 and 12.]

No. 4.—Form to Accompany Notice Pursuant to Section 25 of the Act.

(*Copy Notice, as in Form No. 2.*)

Imp. S. E. Act, Form 6.

In pursuance of a notice, of which the above is a copy, served on me on the day of I hereby notify that I*

Dated this day of
To Messrs.†
(*signature and address of person giving notice.*)

No. 5.—Form of Notice to be Inserted in Newspapers if Directed Pursuant to the 30th Section.

(*Title as in Petition, Form No. 1.*)

By direction of Mr. Justice notice is hereby given that a petition has been [filed in the office of the Clerk of Records and Writs at Toronto praying] for a sale or for powers to grant [a mortgage or] leases of the above-mentioned hereditaments; (*or otherwise according to the circumstances*);

* Here insert "assent to the application" or "dissent from the application" or "submit my rights and interests so far as they may be affected by the application to be dealt with by the court."

And if you dissent and desire to be heard in opposition thereto add, "And I desire to be heard in opposition to the application and require notice to be given to at (*naming place within 2 miles of the office of the Clerk of Records and Writs*) of the day fixed for the hearing of the petition."

† Names of solicitors of petitioner.

and the [said petition will be heard before the court at Osgoode Hall, Toronto, on the day of next at the hour of 10 o'clock in the forenoon, or so soon thereafter as the same can be heard] and, any person, whether interested in the estate or not, may [at that time and place] be heard in opposition to or in support of such application. The petition may be inspected upon application to Messrs. *A.* and *B.*, of the solicitors for the petitioners. Imp. S. E. Act, Ord. Form 13.

Dated at the day of 18

A. B.

Solicitors for Petitioners.

No. 100.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

First Reading, 8th March, 1894.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 100.] **BILL.** [1895.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

See R. S. O., c. 44, s. 32; 55 Vict. c. 14, Ont.; Imp. 40 and 41 Vict., c. 18; Imp. 44 and 45 Vict., c. 41, s. 70; Imp. 45 and 46 Vict., c. 38; Imp. 47 and 48 Vict., c. 18; Imp. 57 and 58 Vict., c. 56.

1. This Act may be cited as *The Settled Estates' Act 1895.* Short title.

INTERPRETATION.

2.—(1) The word "settlement" as used in this Act [and the Rules appended thereto] signify any Act of Parliament, deed, agreement, will or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively. Interpretation "Settlement.

(2) The term "settled estates," as used in this Act, and the said Rules signify all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement; and for the purposes of this Act a tenant in tail after possibility of issue extinct shall be deemed to be a tenant for life. "Settled estates." Tenant in tail after possibility of issue extinct.

(3) All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir, or [as upon an intestacy to the representative], of a testator, shall be deemed to be estates coming to such settlor, heir [or representative] under or by virtue of the settlement. Estates in remainder or reversion not disposed of by settlement.

(4) In determining what are settled estates within the meaning of this Act [and the said Rules] the court shall be governed by the state of facts, and by the trusts or limitations of the settlement at the time of the said settlement taking effect. Determining whose are settled estates.

[Imp. 40 & 41 Vict., c. 18. sec. 2.]

"Court."

(5) The expression "the court" in this Act and the said Rules shall mean the High Court of Justice for Ontario, but the jurisdiction hereby conferred shall be exercisable by any judge or judges of the said court subject to the provisions of *The Judicature Act* and of the Rules of the Supreme Court of Judicature.

Rev. Stat., c. 44.

Leases of Settled Estates.

Power to authorize leases of settled estates.

3. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorize leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed:

[Imp. 40 & 41 Vict., c. 14, s. 4.]

When lease to take effect.

Firstly. Every such lease shall be made to take effect in possession at or within one year after the making thereof, and shall be for such term of years as the court shall direct, where the court shall be satisfied that it is beneficial to the inheritance to grant such a lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 1.]

Agreements for renewal.

Secondly. Any such lease may contain an agreement for the renewal, or renewals, thereof, if the court shall think fit, and the court may determine the length of time for which such renewal or renewals, if any, may be made.

[Ont. 53 Vict., c. 14.]

Rent to be reserved.

Thirdly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine [and shall be incident to the immediate reversion]; provided always, that in the case of a mining lease, a repairing lease or a building lease, a nominal rent or any smaller rent than the rent to be ultimately made payable, may, if the court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease.

Proviso.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 2.]

Reservation of rent to leases of earth, coal, stone or minerals.

Fourthly. Where the lease is of any earth, coal, stone or mineral, a certain portion of the whole rent or payment reserved, shall be from time to time set aside and invested as hereinafter mentioned, namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone or mineral for his own benefit, one-fourth part of such rent, and otherwise three-fourth parts thereof; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the court shall deem expedient.

[Imp. 40 & 41 Vict., c. 18, s. 4, sub-s. fourthly; s. 33.]

Fifthly. No such lease shall authorize the cutting of any timber or the felling of any trees except [in the ordinary course of husbandry, or so far as shall in the judgment of the court be necessary, or be made without impeachment of waste]. Cutting timber.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 4.]

Sixthly. Every lease shall be by deed, and the lessee shall execute a duplicate thereof, *and shall be executed by the lessor and lessee* and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf. Form of lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 5.]

4. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances of the demise. Leases may contain special covenants.

[Imp. 40 & 41 Vict, c. 18, s. 5.]

5. The power to authorize leases conferred by this Act shall extend to authorize leases either of the whole or any parts of the settled estates, and may be exercised from time to time Parts of settled estates may be leased.

[Imp. 40 & 41 Vict., c. 18, s. 6.]

6. Any leases, whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorize leases conferred by this Act shall extend to authorize new leases of the whole or any part of the hereditaments comprised in any surrendered lease. Leases may be surrendered and renewed.

[Imp. 40 & 41 Vict.. c. 18, s. 7.]

7. The power to authorize leases conferred by this Act shall extend to authorize preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases. Power to authorize leases to extend to preliminary contracts.

[Imp. 40 & 41 Vict., c. 18, s. 8.]

8. The power to authorize leases conferred by this Act may be exercised by the court, either by approving of particular leases, or by ordering that powers of leasing in conformity with the provisions of this Act shall be vested in trustees in manner hereinafter mentioned. Mode in which leases may be authorized.

[Imp. 40 & 41 Vict., c. 18, s. 10.]

9. When application is made to the court either to approve of a particular lease, or to vest any powers of leasing in trustees, the court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value and circumstances of the estate and the terms and conditions on which leases thereof ought to be authorized. What evidence to be produced of an application to authorize leases.

[Imp. 40 & 41 Vict., c. 18, s. 11.]

After approval of a lease, court to direct who shall be lessor.

10. When a particular lease or contract for a lease has been approved by the court, the court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise as the court shall direct.

[Imp. 40 & 41 Vict., c. 18, s. 12.]

Powers of leasing may be vested in trustees

11. Where the court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order, vest any such power accordingly, either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct; and in every such case the court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power, and the court may also authorize the insertion of provisions in any such order for the appointment of new trustees from time to time, for the purpose of exercising such powers of leasing as aforesaid.

[Imp. 40 & 41 Vict., c. 18, s. 13.]

Conditions that leases be settled by the court not to be inserted in orders made under this Act.

12. Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons, no conditions shall be inserted requiring that the leases thereby authorized should be submitted to or be settled by the court, or a judge thereof, or be made conformable with a model lease, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the court that there is some special reason rendering the insertion of such a condition necessary or expedient.

[Imp. 40 & 41 Vict., c. 18, s. 14.]

Conditions where inserted may be struck out.

13. Provided also, that in all cases of orders (whether under this Act [or under any Act]) in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the court to alter and amend such orders by striking out such condition, and the court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the court to act under this provision in any case in which from the evidence which was before

it when the order sought to be altered was made, or from any other evidence, it shall appear to the court that there is any special reason why in the case in question such a condition is necessary or expedient.

[Imp. 40 & 41 Vict., c. 18, s. 15.]

COURT MAY AUTHORIZE SALES OF SETTLED ESTATES, AND OF TIMBER.

Sales of settled estate may be ordered.

14. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to authorize a sale of the whole or any part of any settled estates or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the Rules and practice of the court for the time being is or shall be required in the sale of lands sold under [an order] of the court.

[Imp. 40 & 41 Vict., c. 18, s. 16.]

COURT MAY AUTHORIZE SALES, MORTGAGES OF SETTLED ESTATES TO MAKE REPAIRS OR IMPROVEMENTS AND TO PAY OFF INCUMBRANCES.

Mortgages for purpose of repairs, etc.

15. It shall be lawful for the court—if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained—from time to time to authorize a mortgage of the whole or any part or parts, of any settled estates in the Province for the purpose of raising money to repair, rebuild or alter any existing buildings upon the said estate, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon; [or to authorize a sale of any part or parts of any settled estates for the purpose of raising money to repair, rebuild or alter any existing buildings upon the remainder of such settled estates, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon;] and such sale or mortgage is to be authorized wherever the court is of opinion that the interests of the estate or any part thereof or of the parties entitled to the estates or any part thereof, requires, or will be substantially promoted by such mortgage. (*New.*)

Proceedings for protection.

16. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties who are or who may hereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to

the Legislature or other proceedings appearing to the court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys, or investments representing moneys, liable to be laid out in the purchase of hereditaments to be settled in the same manner as the separate estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits or income.

[Imp. Settled Land Act, 1882, s. 36.]

Consideration for land sold for building may be a rental.

17. When any land is sold for building purposes it shall be lawful for the court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the court shall approve.

[Imp. 40 & 41 Vict., c. 18, s. 18.]

Minerals, etc., may be excepted from sales.

18. On any sale of land, any earth, coal, stone or mineral may be excepted, and any rights or privileges may be reserved and the purchaser may be required to enter into any covenants or submit to any restrictions which the court may deem advisable.

[Imp. 40 & 41 Vict., c. 18, s. 19.]

COURT MAY AUTHORIZE DEDICATION OF ANY PART OF SETTLED ESTATES FOR STREETS, ROADS AND OTHER WORKS.

Dedications or streets, etc.

19. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act [and in *The Consolidated Municipal Act*, *The Land Titles Act*, and in *The Registry Act*] contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, and the court may direct that the parts so laid out shall [subject to the provisions of *The Consolidated Municipal Act, The Land Titles Act*, and of *The Registry Act*] remain vested in the trustees of the settlement, or be conveyed to, or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the court shall be deemed advisable.

[Imp. 40 & 41 Vict., c. 18, s. 20.]

minable with any life, or for an estate for any life or any greater estate, may apply to the court by petition in a summary way to exercise the powers conferred by this Act.

[Imp. 40 & 41 Vict., c. 18, s. 23.]

With whose consent such application to be made.

23. Subject to the exceptions hereinafter contained every application to the court must be made with the concurrence or consent of the following parties, namely:

Where there is a tenant in tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant in tail, or if there is more than one such tenant in tail, then the first of such tenants in tail, and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant in tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant in tail.

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

[Imp. 40 & 41 Vict., c. 18, s. 24.]

Court may dispense with consent in respect of certain estates.

24 Provided always, that where an infant [or person of unsound mind not so found] is tenant in tail [or beneficially interested] under the settlement, it shall be lawful for the court, if it think fit, to dispense with the concurrence or consent of such person.

[Imp. 40 & 41 Vict., c. 18, s. 25.]

Notice to be given to persons who do not consent to, or concur in, the application.

25. Provided always, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the court shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the court.

[Imp. 40 & 41 Vict., c. 18, s. 26.]

Court may dispense with notice under certain circumstances.

26. Provided also, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person can

not be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject matter of the application [or the interest of such person therein] then and in any such case the court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the court.

[Imp. 40 & 41 Vict., c. 18, s. 27.]

Court may dispense with consent, having regard to the number and interests of the parties.

27. An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the court, in considering the application, shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

[Imp. 40 & 41 Vict., c. 18, s. 28.]

Petition may be granted without consent, saving rights of non-consenting parties.

28. Provided nevertheless, that it shall be lawful for the court if it shall think fit, to give effect to any petition subject to, and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted, or is not deemed to have submitted, his rights or interests to be dealt with by the court, or whose rights, estate or interest ought in the opinion of the court to be excepted.

[Imp. 40 & 41 Vict., c. 18, s. 29.]

Notice of application to be served on all trustees, etc.

29. Notice of any application to the court under this Act shall be served on all trustees who are seized or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the court ought to be so served, unless the court shall think fit to dispense with such notice.

[Imp. 40 & 41 Vict., c. 18, s. 30.]

Notice of application to be given in the newspapers if court direct.

30. Notice of any application to the court under this Act shall, if the court shall so direct, but not otherwise, be inserted in such newspapers as the court shall direct, and any person or body corporate, whether interested in the estate or not, may be heard in opposition to or in support of any application which may be made to the court under this Act; and the court

is hereby authorized to permit such person or corporation to appear and be heard in opposition to or support of any such application on such terms as to costs or otherwise, and in such manner as it shall think fit.

[Imp. 40 & 41 Vict., c. 18, s. 31.]

No application under this Act to be granted where a similar application has been rejected by legislative assembly.

31. The court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to the Legislative Assembly of this Province for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or was reported against by the judges to whom the Bill may have been referred.

[Imp. 40 & 41 Vict., c. 18, s. 32.]

Notice of the exercise of powers to be registered.

32. Deeds, mortgages, leases and other instruments executed in pursuance of the exercise of any of the powers conferred by this Act shall not take effect until registered in the proper Registry or Land Titles office where the lands are situate, and in the case of leases the *lease or* duplicate to be registered shall be executed by the lessee as well as the lessor.

[Imp. 40 & 41 Vict., c. 18, s. 33.]

APPLICATION OF MONEYS ARISING FROM SALES, ETC.

Payment and application of moneys arising from sales or set aside out of rent, etc., received on mining leases.

33. All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same shall be paid into court [to the credit of the matter of this Act, and the estate (*shortly describing the same*)]; and such money shall be applied, as the court shall, from time to time direct, to one or more of the following purposes, namely:

[(*a*) The payment of any costs which the court may see fit to be ordered to be paid; or]

(*b*) The discharge of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts; or

(*c*) The purchase of other hereditaments to be settled in the same manner as the hereditaments in respect of which the money was paid; or

(*d*) The payment of the expenses connected with any buildings, repairs, rebuildings, alterations or improvements authorized to be made upon the settled estates in question.

(*e*) The payment to any person becoming absolutely entitled.

[Imp. 40 & 41 Vict., c. 18, s. 34.]

34. The application of the money in manner aforesaid may, if the court shall so direct, be made by the trustees (if any) to whom the court has authorized the same to be paid, without any application to the court; or upon an order of the court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land. Trustees may apply moneys in certain cases without application to court.

[Imp. 40 & 41 Vict., c. 18, s. 35.]

35. Until the money can be applied as aforesaid, the interest [accruing thereon] shall be paid, as [the court shall direct] to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land. Until money can be applied interest to be paid to parties entitled.

[Imp. 40 & 41 Vict., c. 18, s. 36.]

36. Where any purchase money paid into court or to trustees under the provisions of this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the court on the petition of any party interested in such money to order that the [interest which shall accrue thereon be] paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid, or as near thereto as may be. Court may direct application of money in respect of leases or reversions as may appear just.

[Imp. 40 & 41 Vict., c. 18, s. 37.]

COURT MAY EXERCISE POWERS REPEATEDLY, BUT MAY NOT EXERCISE THEM IF EXPRESSLY NEGATIVED.

37. The court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if any express declaration that they shall not be exercised is contained in the settlement; provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended. Court may exercise powers repeatedly.

[Imp. 40 & 41 Vict., c. 18, s. 38.]

38. Nothing in this Act shall be construed to empower the court to authorize any lease, [mortgage], sale, or other act beyond the extent to which, in the opinion of the court, the same might have been authorized in and by the settlement by the settlor. Court not to authorize any Act which could not have been authorized by the settlor.

[Imp. 40 & 41 Vict., c. 18, s. 39.]

Acts of the courts in the professed pursuance of this Act not to be invalidated.

39. After the completion of any lease, [mortgage], or sale, or other act under the authority of the court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the court was not hereby empowered to authorize the same.

[Imp. 40 & 41 Vict., c. 18, s. 40, in part repealed by 44 & 45 Vict. cap. 41, s. 70; and by 57 & 58 Vict. cap. 56].

ORDERS OF COURT CONCLUSIVE.

Orders of court conclusive.

40. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice or service, whether the purchaser has notice of any such want or not.

This section shall have effect with respect to any lease, [mortgage], sale or other act, under the authority of the court, and purporting to be in pursuance of this Act, or to be in pursuance of any former Act repealed or amended by this Act, notwithstanding any exception in such former Act.

[Imp. 44 & 45 Vict. c. 41, s. 70.]

COSTS.

Costs.

41. It shall be lawful for the court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act, shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations [or may direct the same to be paid out of the corpus or income of any fund realized by the sale, mortgage or lease of such estate under the provisions of this Act] and the court may also direct that such costs and expenses shall be raised by a sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed [and paid] as the court shall direct.

[Imp. 40 & 41 Vict, c. 18, s. 41.]

LEASES BY TENANTS FOR LIFE.

Tenants for life, etc., may grant leases for 21 years.

☞**42**.—(1) It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estate for an estate for any life, or for a term of years determinable with any life or lives or for any greater estate, either in his own right or in right of his wife, (unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise); and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the curtesy or in dower, or in right of a wife who is seised in fee, without any application to the court (subject to the exception

hereinafter mentioned), to demise the same or any part thereof, from time to time, for any term not exceeding 21 years, to take effect in possession, at or within one year next after the making thereof; provided that every such demise be made by deed, and the best rent that can be reasonably obtained be thereby reserved without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion, and shall be made payable half-yearly, or oftener; and provided that such demise be not made without impeachment of waste and do not authorize the cutting of any timber or felling of any trees except in the ordinary course of husbandry, and do contain a covenant (by the lessee) for payment of the rent, and such other usual and proper covenants as the lessor shall think fit, together with a covenant or condition for re-entry on non-payment of rent for a period of 28 days after it becomes due or for some less period to be specified.

(2) Every such lease shall be by deed in duplicate and shall be executed by the lessor and lessee and shall be subject to the provisions of section 32 of this Act.

(3) This section shall not be taken to authorize leases of minerals. [Imp. 40 and 41 Vict., c. 18, s. 46.]

Against whom leases shall be valid.

43. Every demise authorized by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife, and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

[Imp. 40 & 41 Vict., c. 18, s. 47.]

PROVISIONS AS TO APPLICATIONS, CONSENTS, ETC.

Provisions as to infants, lunatics, etc.

44. All powers given by this Act, and all applications to the court under this Act, and consents to and notifications respecting such applications may be executed, made, or given by, and all notices under this Act may be given to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation or insolvents; and the Official Guardian *ad litem*, or any other guardian *ad litem* appointed by the court may consent to, and give notifications respecting such applications, and give all notices under this Act on behalf of any infant or person of unsound mind not so found; provided, nevertheless, that in the cases of infants or lunatics, or persons of unsound mind not so found, all consents to or notifications or notices respecting any application so given by any committee or by the Official Guardian or other guardian *ad litem* appointed by the court shall be subject to the approbation of the court.

[Imp. 40 & 41 Vict., c. 18, s. 49. New as respects Official Guardian, and persons of unsound mind not so found.)

As to application by or consent of married women, whether of full age or under age.

45. Married women may make or consent to [or oppose] any applications whether they be of full age or infants.
[Imp. 40 & 41 Vict., c. 18, s. 52.]

No obligation to make or consent to application, etc.

46. Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the court or to exercise any power.
[Imp. 40 & 41 Vict., c. 18, s. 53.]

Tenants for life, etc., to be deemed entitled notwithstanding incumbrances.

47. For the purposes of this Act a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates although his estate may be charged or incumbered either by himself or by the settlor, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.
[Imp. 40 & 41 Vict., c. 18, s. 54.]

Exception as to entails created by Act of Parliament.

48. Provided always, that nothing in this Act shall authorize any sale, [mortgage], or lease beyond the term of 21 years of any settled estates in respect of which, under any Statute, the tenants in tail are restrained from barring or defeating their estates tail, or where the reversion is vested in the Crown.
[Imp. 40 & 41 Vict., c. 18, s. 55.]

To what settlements this Act to extend.

49. This Act shall, except as hereinafter provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act.
[Imp. 40 & 41 Vict., c. 18, s. 57.]

Rules of Court.

Rules of court.

50. The Rules in the schedule to this Act shall be deemed and construed as Rules of Court, and shall regulate the proceedings in the High Court of Justice as to all matters to which the said Rules extend. But such Rules may be annulled or altered by the authority by which under *The Judicature Act* new Rules of Court may be made.
[Ont. *Judicature Act*, s. 105; Imp. 40 & 41 Vict., c. 18, s. 42.]

Rev. Stat., c. 44.

Rev. Stat., c. 44, s. 32, amended; 53 V. c. 14, repealed.

51. The thirty-second section of *The Judicature Act* is amended by striking out the words "in regard to leases and sales of settled estates and," in the first subsection thereof, and by striking out the second and fifth subsections; and the statute passed in the 53rd year of Her Majesty's reign, chapter 14, intituled *An Act to amend the Law respecting the Lease and Sale of Settled Estates*, is hereby repealed; pro-

Proviso.

vided always, that this section shall not affect anything done or any proceedings taken under any enactment hereby amended or repealed. [*New.*]

52. Nothing in this Act shall interfere with the exercise of any powers to authorize or grant leases conferred by any Statute not expressly repealed by this Act. Powers conferred by other Acts.

[Imp. 40 & 41 Vict., c. 18, s. 59.]

SCHEDULE.

Rules of Court (*ante*, sec. 50).

[(1) All proceedings under the Act shall be intituled in accordance with Form No. 1 in the Appendix;] and every petition shall in the body thereof, or in a schedule thereto, or by plan thereto annexed, contain a detailed description of the property proposed to be dealt with by such petition sufficient to identify the same. [Every petition shall be filed with the Clerk of Records and Writs at Osgoode Hall, in the city of Toronto, at least fourteen days before the day named for the hearing thereof, and all notices required to be given by the Act and Rules may be given at any time after the filing of the petition.] Title petition affidavits, etc.

[Imp. Settled Estates Act Orders, 1878, No. 2.]

(2) The notice to be given by the 25th section of the Act, if given before the hearing (or if given after the hearing and the judge shall not otherwise direct), may, without any other direction of the court, be given within the jurisdiction of the court by delivering to the person to be served a notice (in the form No. 2 in the Appendix hereto) with such variations as circumstances require, and the time to be specified in such notice for the person served to [file and] deliver a notification shall be not less than 14 clear days after the service. In case the person to be served is out of the jurisdiction of the court, or it is desired to serve such notice on any person within the jurisdiction of the court in any other manner than above provided, an application shall be made at chambers *ex parte* by the petitioner for directions as to the manner in which such notice shall be given, and as to the time to be specified in such notice within which the notification is to be made by the person served. Notice to be given.

[Imp. Settled Estates Act Orders, 1878, No. 4.]

(3) Infants, and persons of unsound mind (not so found), required to be served with notice of any application to the High Court, may be served by delivering to the Official Guardian, *ad litem*, a copy of the petition or other proceeding required to be served; and from the time of such service, the said Official Guardian shall be the guardian *ad litem* of the infant, or person of unsound mind, unless and until the court or judge otherwise orders; and the said Official Guardian, or Service on infants and persons of unsound mind not so found.

any other guardian appointed by the court for such infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian. In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the Official Guardian *ad litem*, one copy only of the petition or other proceeding need be so served, but the name of each person on whose behalf the Official Guardian *ad litem*, is served is to be stated on the copy served; [provided also, that in the case of a person of unsound mind (not so found), he shall, when practicable, be also personally served with notice of any application, and in case it shall not be practicable, then the person in whose custody or care he may be living shall be served with such notice.]

[R. S. O., 1887, c. 44, s. 32, s.s. 3, 4.]

Examination of married women only necessary if directed by the court.

(4) The examination of a married woman apart from her husband as to her knowledge of the nature and effect of an application for the sale, [mortgaging] or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court.]

[R. S. O., 1887, c. 44, s. 32, s.s. 2.]

Where infant is applicant.

(5) An infant may make any application to the court under the Act [by his guardian or next friend, and in any such case the Official Guardian *ad litem* or any other guardian *ad litem* appointed by the court shall be served with a copy of the petition, and the said Official Guardian or other guardian *ad litem* appointed by the court shall thereafter attend and watch the proceedings on behalf of such infant.]

[Imp. Settled Estates Act Orders, 1878, No. 5.]

Notice of hearing.

(6) Notice of the hearing of the petition shall be served on all persons dissenting from, or desiring to be heard in opposition thereto, and upon committees of lunatics, and upon the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court, who may be interested in the proceedings on behalf of any infant or person of unsound mind (not so found), at least two clear days before the day for hearing the same; and on filing with the Clerk of Records and Writs, on any day before the day fixed for hearing the petition, the notice of hearing with proper proof of service, the said Clerk shall enter the same for hearing on the list for the day for which notice of hearing is given. [*New.*]

Evidence on application as to lunatic.

(7) Where a committee of a lunatic shall make or consent to any application, or give any notification respecting any application, the authority of such committee to act on behalf of the lunatic shall be produced [to the court, and also evidence to satisfy the court that it is, and the committee is to make an affidavit that he believes that it is proper and consistent with a due regard to the interest of such lunatic; and] if it shall appear that it is proper and consistent with a due regard for the interest of the lunatic that the committee shall make

or consent to the application, or give any specific notification respecting the application, the court may [approve of his so doing.]

[See Imp. Settled Estates Act Orders, 1878, No. 11.]

Evidence as to [consent of infant or person of unsound mind, not so found.]

(8) [Where the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court], of an infant, [or the Official Guardian *ad litem*, on behalf of any person of unsound mind, (not so found), shall] consent to any application, or give any notification respecting any application, evidence is to be produced to satisfy the court that it is, and the guardian is to make a affidavit that he believes that it is proper and consistent with a due regard to the interest of such infant [or person of unsound mind, not so found] that such [consent] shall be given, [and thereupon the court may approve of the same being given].

[Imp. Settled Estates Act, Ord. 12.]

Evidence that application is proper.

(9) Upon every petition the court shall be satisfied by sufficient evidence that it is proper and consistent, with a due regard for the interests of all parties entitled under the settlement, that the powers should be exercised, and it shall be stated in the affidavit why and upon what ground it is deemed to be so.

[Imp. Settled Estates Act, Ord. 15.]

Evidence of service on trustees.

(10) Upon every petition where there are any trustees seized or possessed of any estate in trust for any of the persons whose consent or concurrence to or in the application is required, evidence is to be produced that notice of the application has been served on such trustees.

[Imp. Settled Estates Act, Ord. 16.]

Evidence of no previous application to parliament.

(11) Upon every petition evidence shall be produced to satisfy the court that neither the applicant nor any party entitled has previously applied to the [Legislative Assembly of the Province of Ontario] for a private Act to effect the same or similar object, or if any such application has been made, that the same was not rejected on its merits or reported against by the judges to whom the Bill may have been referred.

[Imp. Settled Estates Act, Ord. 17.]

Service or advertisement of notice.

(12) If upon the hearing of any petition the court shall be of opinion that notice ought to be served on any person who shall not have been served, or that notice of application ought to be inserted in any newspaper, the court shall give directions accordingly, and the petition shall stand over generally or to such time as the court shall direct.

[Imp. Settled Estates Act, Ord. 18.]

Where advertisement — Persons who may be heard.

(13) When the court shall, at the hearing, have directed notice of any application to be inserted in any newspapers, any person may, at the time specified in the notice, be heard in opposition to or in support of the application, subject to such order as the court shall think fit to make as to costs.

[Imp. Settled Estates Act, Ord. 19.]

What order is to state.

(14) Every order shall state, in addition to the names of the petitioners, the names of the persons other than the petitioners who concur or consent, or to whom notice of the application has been given, or who may have appeared in opposition to or in support of the application, and whether any notice was received from the persons to whom notice has been given, and if any has been received, the purport thereof, and also the names of the persons, if any, notice to whom has been dispensed with, and whether the order is made subject to any, and what rights, estate or interest of any person whose concurrence or consent has been refused, or who shall not, or shall not be deemed to have submitted his rights or interests to be dealt with by the court, or whose rights or interests ought, in the opinion of the court, to be excepted.

[Imperial Settled Estates Act, Ord. 24.]

In case of leases.

(15) In cases where the court authorizes a lease, the order shall direct that the lease shall contain such conditions as are required by the Act, and such other covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances, or may direct the same to contain such covenants, conditions and stipulations as may be approved by the [Master in Ordinary, or a Local Master].

[Imp. Settled Estates Act, Ord. 25.]

Forms.

(16) The Forms set forth in the Appendix hereto shall be adhered to, subject only to such variations as may be necessary to meet the circumstances of the case or direction of the court.

[Imp. Settled Estates Act, Ord. 27.]

Saving clause.

(17) In all cases not provided for by the Act or these Rules, the existing forms and mode of procedure and general practice of the court on similar proceedings shall apply to proceedings under this Act.

[Imp. Settled Estates Act, Ord. 28.]

Court may dispense with Rules.

(18) The Court, in the case of any petition, may, by special order, dispense with all or any of the preceding Rules, so far as they are applicable to such petition, in any case in which it shall think fit, and upon such terms and conditions (if any) as it may deem proper.

[Imp. Settled Estates Act, Ord. 32.]

Short title.

(19) The Rules may be cited as *The Settled Estates Act Rules, 1895*, [and shall remain in force so long as, and be subject to be amended or added to as the Supreme Court of Judicature for Ontario shall see fit].

[Imp. Settled Estates Act., Ord. 34.]

APPENDIX.

No. 1.—Form of Order.

(*Title same as Petition, Form No. 2*)

Upon the humble petition of *C. D.* presented unto the Court this day by (*name of petitioner or petitioners in full*) praying (*as in the petition set out, and describing the lands, messuages or tenements as in the petition*) and it appearing to the satisfaction of the Court that neither the applicant nor any other party entitled has previously applied to the Legislative Assembly of the Province of Ontario to effect the same or a similar object to that prayed for in the petition (*or if any such application has been made, show that the same was not rejected on its merits or reported against by the Judge to whom the Bill may have been referred*) and it appearing to the satisfaction of the Court that the said petitioner was duly qualified to apply by way of petition for the relief asked for, and that the petitioner duly filed with the Clerk of Records and Writs at Osgoode Hall, Toronto, his said petition, and thereafter properly gave notice of the filing of the same to (*here give the names in full of all persons other than the petitioner, to whom notice of the application has been given*) and required them to notify in manner directed by *The Settled Estates Act* their consent or otherwise to the application, of whom (*here give the names in full of all persons served with notice of the application who concur or consent*) have concurred in and consented to the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have neither filed nor served any notification of consent or dissent*) have neither consented to nor dissented from the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have submitted their rights and interests to be dealt with by the Court*) have submitted their rights and interests to be dealt with by the Court, and of whom (*here give the names in full of all persons served with notice of the application who have appeared in opposition to the prayer of the said petition being granted*) have appeared in opposition to the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have appeared in support of the prayer of the said petition being granted*) have appeared in support of the prayer of the said petition being granted, and of whom (*here give the names of all trustees served with notice of the application, and the names of the beneficiaries on whose behalf the trustees are served*) are trustees representing (*names of beneficiaries*) which said trustees have been duly served with notice of this application, and who consent to (*or*, dissent from) the granting of the prayer of the said petition (*as the case*

may be), and of whom (*here give the names in full of all persons served with notice of the application who have filed and served any notice* [*setting forth the purport thereof*] *but who have not appeared before the Court*), and of whom (*here give the names in full of any infants or persons of unsound mind not so found for whom the official guardian* ad litem *or any other guardian* ad litem *appointed by the Court has been served*) being infants (*or*, persons of unsound mind, *as the case may be*), the Court has approved of the concurrence and consent by the official guardian *ad litem* (*or*, other guardian *ad litem* appointed by the Court, *as the case may be*) on behalf of such infant (*or*, person of unsound mind, *as the case may be*) to the prayer of the said petition being granted; and of whom (*here give the names in full of any lunatics and of their committees who have been served for the lunatics with notice of this application*), being a lunatic represented by E. F., his committee, the Court has approved of the said committee concurring and consenting on behalf of the said lunatic to the prayer of the said petition being granted; and this Court having been pleased to dispense with service of notice of this application on (*here give the names in full of all persons on whom service of the notice of the application has been dispensed with by the Court*), and the Court having ordered that notice of this application should be inserted in the a newspaper published at in the county of and it appearing that the said notice was duly published in manner directed, in pursuance of which advertisement (*here give the names of all persons who have appeared pursuant to the advertisement*) have appeared in pursuance of the said advertisement and have been heard before this Court (*or*, no one having appeared pursuant to the said advertisement, *as the case may be*), and this Court being satisfied from the affidavits of (*here give the affidavits filed*) filed in support of this petition, and from the evidence of (*here give the names of all persons who have given* viva voce *evidence in support of the petition*) that it is proper and consistent, with a due regard for the interests of all parties entitled under the said will (*or*, other settlement, *as the case may be*) that the prayer of the said petition should be granted, and it appearing that all parties entitled to notice of the hearing of the petition have been duly notified of the hearing hereof, and upon reading the said petition and hearing what was alleged by counsel for :

This Court doth order that (*here set out the relief asked for by the petition so far as the same has been granted by the Court*).

If any persons' rights are reserved by the order, then show whether the order is made subject to any and what rights, estate or interest of any person whose concurrence or consent has been refused, or, who shall not, or shall not be deemed to, have submitted his rights or interests to be dealt with by the Court, or, whose rights, or interest, ought, in the opinion of the Court, to be excepted.

If the purchase money is to be paid into Court or to trustees, state the provisions as to disposition of purchase money having reference to sections 33, 34, 35, 36 and 37 of the Act.

If the Court grants a lease, see rule 15 as to what the order shall contain.

No. 2.—Form of Title of Petition and other Proceedings

Title of Petition.

In the High Court of Justice,

In the matter of estates settled by *A B.* (*or A. B.* and others), by will dated (*or* deed dated) consisting of certain lands or messuages or tenements in the of in the county of

and in the matter of *The Settled Estates' Act 1895.*

No. 3.—Form of Notice Pursuant to Section 25 of the Act.

(Title same as Petition, Form 1.)

Take notice that (*name petitioners and their address, as in petition*) have [filed in the office of the Clerk of Records and Writs at Osgoode Hall, Toronto] a petition in the above matters praying that (*as in petition, and describing the lands, messuages or tenements as in the petition*) and it is intended to apply to the said court for an order in accordance with such prayer, and you are (severally) hereby required to [file a notification in the office of the said Clerk of Records and Writs at Osgoode Hall, Toronto] in writing within [14 days] after the service hereof whether you assent to or dissent from such application, or submit your rights or interests so far as they may be affected by such application, to be dealt with by the court, [and a copy of] such notification is to be delivered to the petitioners' solicitors or left for them at the address specified at the foot hereof, and may be so delivered by transmitting the same to them by post at such address. Imp. S. E. Act, Ord. Form 4.

If no notification shall be so [filed and] delivered within the time above limited you will be deemed to have submitted your rights and interests to be dealt with by the court, [and the court may thereupon make such order as it shall see fit without further notice to you.]

In the event of your dissenting from such application and desiring to be heard in opposition to the application, you are by your notification, to require notice to be given to or left for you or your solicitor (*specifying a place*), at a place within two miles of the office of the said Clerk of Records and Writs, (see Con. Rule 241) *within days* of the day on which the petition is fixed for hearing.

You or your solicitor can, upon reasonable notice to the undernamed, *A.* and *B.*, inspect and peruse a copy of the petition without payment of any fee, and you are entitled at your own expense to have a copy of such petition furnished to you.

Imp. S. E. Act, Ord. Form 12, Consol. Rule 241.

Where a trustee is to be served under section 29 of the Act, add: "This notice is given you in pursuance of the above Act, because you are seized or possessed of an estate in trust for (*name beneficiary*) whose consent or concurrence to or in the application is required by the Act."

Dated day of

A. and *B.*
Petitioners' Solicitors,
(*address*)

To (*name person or all persons to be served pursuant to above section.*)

Note—A copy of the above notice, with a notification at the foot thereof to be filled up by you, is sent herewith.

[Imp. Settled Estates Act, Orders, 1878. Appendix Forms 4 and 12.]

No. 4.—Form to Accompany Notice Pursuant to Section 25 of the Act.

(*Copy Notice, as in Form No. 2.*)

Imp. S. E. Act, Form 6.

In pursuance of a notice, of which the above is a copy, served on me on the day of I hereby notify that I*

Dated this day of
To Messrs.†
(*signature and address of person giving notice.*)

No. 5.—Form of Notice to be Inserted in Newspapers if Directed Pursuant to the 30th Section.

(*Title as in Petition, Form No. 1.*)

By direction of Mr. Justice notice is hereby given that a petition has been [filed in the office of the Clerk of Records and Writs at Toronto praying] for a sale or for powers to grant [a mortgage or] leases of the above-mentioned hereditaments; (*or otherwise according to the circumstances*);

* Here insert "assent to the application" or "dissent from the application" or "submit my rights and interests so far as they may be affected by the application to be dealt with by the court."

And if you dissent and desire to be heard in opposition thereto add, "And I desire to be heard in opposition to the application and require notice to be given to at (*naming place within 2 miles of the office of the Clerk of Records and Writs*) of the day fixed for the hearing of the petition."

† Names of solicitors of petitioner.

and the [said petition will be heard before the court at Osgoode Hall, Toronto, on the day of next at the hour of 10 o'clock in the forenoon, or so soon thereafter as the same can be heard] and, any person, whether interested in the estate or not, may [at that time and place] be heard in opposition to or in support of such application. The petition may be inspected upon application to Messrs. *A.* and *B.*, of the solicitors for the petitioners. Imp. S. E. Act, Ord. Form 13.

Dated at the day of 18

A. B.

Solicitors for Petitioners.

No. 100.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

First Reading, 8th March, 1895.
Second Reading, 19th March, 1895.

(Reprinted as amended by Committee of the Whole House).

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 100.] **BILL.** [1895.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

See R. S. O., c. 44, s. 32; 55 Vict. c. 14, Ont.; Imp. 40 and 41 Vict., c. 18; Imp. 44 and 45 Vict., c. 41, s. 70; Imp. 45 and 46 Vict., c. 38; Imp. 47 and 48 Vict., c. 18; Imp. 57 and 58 Vict., c. 56.

1. This Act may be cited as *The Settled Estates' Act 1895.* Short title.

Interpretation.

2.—(1) The word "settlement" as used in this Act [and the Rules appended thereto] signifying any Act of Parliament, deed, agreement, will or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively. Interpretation "Settlement.

(2) The term "settled estates," as used in this Act, and the said Rules signify all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement; and for the purposes of this Act a tenant in tail after possibility of issue extinct shall be deemed to be a tenant for life. "Settled estates." Tenant in tail after possibility of issue extinct.

(3) All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir, or [as upon an intestacy to the representative], of a testator, shall be deemed to be estates coming to such settlor, heir [or representative] under or by virtue of the settlement. Estates in remainder or reversion not disposed of by settlement.

(4) In determining what are settled estates within the meaning of this Act [and the said Rules] the court shall be governed by the state of facts, and by the trusts or limitations of the settlement at the time of the said settlement taking effect. Determining whose are settled estates.

[Imp. 40 & 41 Vict., c. 18. sec. 2.]

"Court."

(5) The expression "the court" in this Act and the said Rules shall mean the High Court of Justice for Ontario, but the jurisdiction hereby conferred shall be exercisable by any judge or judges of the said court subject to the provisions of *The Judicature Act* and of the Rules of the Supreme Court of Judicature.

Rev. Stat., c. 44.

LEASES OF SETTLED ESTATES.

Power to authorize leases of settled estates.

3. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorize leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed:

[Imp. 40 & 41 Vict., c. 14, s. 4.]

When lease to take effect.

Firstly. Every such lease shall be made to take effect in possession at or within one year after the making thereof, and shall be for such term of years as the court shall direct, where the court shall be satisfied that it is beneficial to the inheritance to grant such a lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 1.]

Agreements for renewal.

Secondly. Any such lease may contain an agreement for the renewal, or renewals, thereof, if the court shall think fit, and the court may determine the length of time for which such renewal or renewals, if any, may be made.

[Ont. 53 Vict., c. 14.]

Rent to be reserved.

Thirdly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine [and shall be incident to the immediate reversion]; provided always, that in the case of a mining lease, a repairing lease or a building lease, a nominal rent or any smaller rent than the rent to be ultimately made payable, may, if the court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease.

Proviso.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 2.]

Reservation of rent to leases of earth, coal, stone or minerals.

Fourthly. Where the lease is of any earth, coal, stone or mineral, a certain portion of the whole rent or payment reserved, shall be from time to time set aside and invested as hereinafter mentioned, namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone or mineral for his own benefit, one-fourth part of such rent, and otherwise three-fourth parts thereof; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the court shall deem expedient.

[Imp. 40 & 41 Vict., c. 18, s. 4, sub-s. fourthly; s. 33.]

Fifthly. No such lease shall authorize the cutting of any timber or the felling of any trees except [in the ordinary course of husbandry, or so far as shall in the judgment of the court be necessary, or be made without impeachment of waste]. Cutting timber.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 4.]

Sixthly. Every lease shall be by deed, and the lessee shall execute a duplicate thereof, *and shall be executed by the lessor and lessee* and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf. Form of lease.

[Imp. 40 & 41 Vict., c. 18, s. 4, s.-s. 5.]

4. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances of the demise. Leases may contain special covenants.

[Imp. 40 & 41 Vict., c. 18, s. 5.]

5. The power to authorize leases conferred by this Act shall extend to authorize leases either of the whole or any parts of the settled estates, and may be exercised from time to time Parts of settled estates may be leased.

[Imp. 40 & 41 Vict., c. 18, s. 6.]

6. Any leases, whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorize leases conferred by this Act shall extend to authorize new leases of the whole or any part of the hereditaments comprised in any surrendered lease. Leases may be surrendered and renewed.

[Imp. 40 & 41 Vict., c. 18, s. 7.]

7. The power to authorize leases conferred by this Act shall extend to authorize preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases. Power to authorize leases to extend to preliminary contracts.

[Imp. 40 & 41 Vict., c. 18, s. 8.]

8. The power to authorize leases conferred by this Act may be exercised by the court, either by approving of particular leases, or by ordering that powers of leasing in conformity with the provisions of this Act shall be vested in trustees in manner hereinafter mentioned. Mode in which leases may be authorized.

[Imp. 40 & 41 Vict., c. 18, s. 10.]

9. When application is made to the court either to approve of a particular lease, or to vest any powers of leasing in trustees, the court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value and circumstances of the estate and the terms and conditions on which leases thereof ought to be authorized. What evidence to be produced of an application to authorize leases.

[Imp. 40 & 41 Vict., c. 18, s. 11.]

After approval of a lease, court to direct who shall be lessor.

10. When a particular lease or contract for a lease has been approved by the court, the court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise as the court shall direct.

[Imp. 40 & 41 Vict., c. 18, s. 12.]

Powers of leasing may be vested in trustees.

11. Where the court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order, vest any such power accordingly, either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct; and in every such case the court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power, and the court may also authorize the insertion of provisions in any such order for the appointment of new trustees from time to time, for the purpose of exercising such powers of leasing as aforesaid.

[Imp. 40 & 41 Vict., c. 18, s. 13.]

Conditions that leases be settled by the court not to be inserted in orders made under this Act.

12. Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons, no conditions shall be inserted requiring that the leases thereby authorized should be submitted to or be settled by the court, or a judge thereof, or be made conformable with a model lease, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the court that there is some special reason rendering the insertion of such a condition necessary or expedient.

[Imp. 40 & 41 Vict., c. 18, s. 14.]

Conditions where inserted may be struck out.

13. Provided also, that in all cases of orders (whether under this Act [or under any Act]) in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the court to alter and amend such orders by striking out such condition, and the court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the court to act under this provision in any case in which from the evidence which was before

it when the order sought to be altered was made, or from any other evidence, it shall appear to the court that there is any special reason why in the case in question such a condition is necessary or expedient.

[Imp. 40 & 41 Vict., c. 18, s. 15.]

COURT MAY AUTHORIZE SALES OF SETTLED ESTATES, AND OF TIMBER.

14. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to authorize a sale of the whole or any part of any settled estates or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the Rules and practice of the court for the time being is or shall be required in the sale of lands sold under [an order] of the court. Sales of settled estate may be ordered.

[Imp. 40 & 41 Vict., c. 18, s. 16.]

COURT MAY AUTHORIZE SALES, MORTGAGES OF SETTLED ESTATES TO MAKE REPAIRS OR IMPROVEMENTS AND TO PAY OFF INCUMBRANCES.

15. It shall be lawful for the court—if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained—from time to time to authorize a mortgage of the whole or any part or parts, of any settled estates in the Province for the purpose of raising money to repair, rebuild or alter any existing buildings upon the said estate, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon; [or to authorize a sale of any part or parts of any settled estates for the purpose of raising money to repair, rebuild or alter any existing buildings upon the remainder of such settled estates, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon;] and such sale or mortgage is to be authorized wherever the court is of opinion that the interests of the estate or any part thereof or of the parties entitled to the estates or any part thereof, requires, or will be substantially promoted by such *sale or* mortgage. (*New.*) Mortgages *and sales* for purpose of repairs, etc.

16. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties who are or who may hereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to Proceedings for protection.

the Legislature or other proceedings appearing to the court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys, or investments representing moneys, liable to be laid out in the purchase of hereditaments to be settled in the same manner as the separate estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits or income.

[Imp. Settled Land Act, 1882, s. 36.]

Consideration for land sold for building may be a rental.

17. When any land is sold for building purposes it shall be lawful for the court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the court shall approve.

[Imp. 40 & 41 Vict., c. 18, s. 18.]

Minerals, etc., may be excepted from sales.

18. On any sale of land, any earth, coal, stone or mineral may be excepted, and any rights or privileges may be reserved and the purchaser may be required to enter into any covenants or submit to any restrictions which the court may deem advisable.

[Imp. 40 & 41 Vict., c. 18, s. 19.]

COURT MAY AUTHORIZE DEDICATION OF ANY PART OF SETTLED ESTATES FOR STREETS, ROADS AND OTHER WORKS.

Dedications for streets, etc.

19. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act [and in *The Consolidated Municipal Act, 1892*, *The Land Titles Act*, and in *The Registry Act*] contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, and the court may direct that the parts so laid out shall [subject to the provisions of *The Consolidated Municipal Act*, *The Land Titles Act*, and of *The Registry Act*] remain vested in the trustees of the settlement, or be conveyed to, or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the court shall be deemed advisable.

[Imp. 40 & 41 Vict., c. 18, s. 20.]

AS TO LAYING OUT AND MAKING AND EXECUTING AND MAINTAINING STREETS, ROADS, AND OTHER WORKS, AND EXPENSES THEREOF.

How provision made for laying out streets, etc.

20. Where any part of any settled estates is directed to be laid out for such purposes as aforesaid, the court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary and proper fences, pavings, connections and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution, be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estates, or be raised and paid out of the rents and profits of the settled estates or any part thereof, or out of any moneys, or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income; and the court may also give such directions as it may deem advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period or periods of time as to the court shall seem advisable, [provided that the powers hereby granted shall in every case be exercised subject to the provisions of *The Consolidated Municipal Act, 1892*, *The Land Titles Act*, and of *The Registry Act, 1893*]. [Imp. 40 and 41 Vict., c. 18, s. 21.]

55 V. c. 42. Rev. Stat., c. 116. 56 V. c. 21.

[HOW SALES [MORTGAGES] AND DEDICATIONS ARE TO BE EFFECTED UNDER THE DIRECTIONS OF THE COURT.

Direction as to execution of deeds.

21. On every sale [mortgage] or dedication to be effected as hereinbefore mentioned the court may direct what person or persons shall execute the deed of conveyance [or mortgage]; and the deed [or mortgage] executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale [mortgage] or dedication, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct.

[Imp. 40 & 41 Vict., c. 18, s. 22.]

Who may apply for exercise of powers conferred by this Act.

22. Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for a term of years determinable on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignee of any person, who, but for such assignment, would be entitled to such estates for a term of years deter-

minable with any life, or for an estate for any life or any greater estate, may apply to the court by petition in a summary way to exercise the powers conferred by this Act.

[Imp. 40 & 41 Vict., c. 18, s. 23.]

With whose consent such application to be made.

23. Subject to the exceptions hereinafter contained every application to the court must be made with the concurrence or consent of the following parties, namely:

Where there is a tenant in tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant in tail, or if there is more than one such tenant in tail, then the first of such tenants in tail, and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant in tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant in tail.

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

[Imp. 40 & 41 Vict., c. 18, s. 24.]

Court may dispense with consent in respect of certain estates.

24 Provided always, that where an infant [or person of unsound mind not so found] is tenant in tail [or beneficially interested] under the settlement, it shall be lawful for the court, if it think fit, to dispense with the concurrence or consent of such person.

[Imp. 40 & 41 Vict., c. 18, s. 25.]

Notice to be given to persons who do not consent to, or concur in, the application.

25. Provided always, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the court shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the court.

[Imp. 40 & 41 Vict., c. 18, s. 26.]

Court may dispense with notice under certain circumstances.

26. Provided also, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person can

not be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject matter of the application [or the interest of such person therein] then and in any such case the court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the court.

[Imp. 40 & 41 Vict., c. 18, s. 27.]

Court may dispense with consent, having regard to the number and interests of the parties.

27. An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the court, in considering the application, shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

[Imp. 40 & 41 Vict., c. 18, s. 28.]

Petition may be granted without consent, saving rights of non-consenting parties.

28. Provided nevertheless, that it shall be lawful for the court if it shall think fit, to give effect to any petition subject to, and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted, or is not deemed to have submitted, his rights or interests to be dealt with by the court, or whose rights, estate or interest ought in the opinion of the court to be excepted.

[Imp. 40 & 41 Vict., c. 18, s. 29.]

Notice of application to be served on all trustees, etc.

29. Notice of any application to the court under this Act shall be served on all trustees who are seized or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the court ought to be so served, unless the court shall think fit to dispense with such notice.

[Imp. 40 & 41 Vict., c. 18, s. 30.]

Notice of application to be given in the newspapers if court direct.

30. Notice of any application to the court under this Act shall, if the court shall so direct, but not otherwise, be inserted in such newspapers as the court shall direct, and any person or body corporate, whether interested in the estate or not, may be heard in opposition to or in support of any application which may be made to the court under this Act; and the court

is hereby authorized to permit such person or corporation to appear and be heard in opposition to or support of any such application on such terms as to costs or otherwise, and in such manner as it shall think fit.

[Imp. 40 & 41 Vict., c. 18, s. 31.]

No application under this Act to be granted where a similar application has been rejected by legislative assembly.

31. The court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to the Legislative Assembly of this Province for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or was reported against by the judges to whom the Bill may have been referred.

[Imp 40 & 41 Vict., c. 18, s. 32.]

Notice of the exercise of powers to be registered.

32. Deeds, mortgages, leases and other instruments executed in pursuance of the exercise of any of the powers conferred by this Act shall not take effect until registered in the proper Registry or Land Titles office where the lands are situate, and in the case of leases the *lease or* duplicate to be registered shall be executed by the lessee as well as the lessor.

[Imp. 40 & 41 Vict., c. 18, s. 33.]

APPLICATION OF MONEYS ARISING FROM SALES, ETC.

Payment and application of moneys arising from sales or set aside out of rent, etc., reseived on mining leases.

33. All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same shall be paid into court [to the credit of the matter of this Act, and the estate (*shortly describing the same*)]; and such money shall be applied, as the court shall, from time to time direct, to one or more of the following purposes, namely:

[(*a*) The payment of any costs which the court may see fit to be ordered to be paid; or]

(*b*) The discharge of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts; or

(*c*) The purchase of other hereditaments to be settled in the same manner as the hereditaments in respect of which the money was paid; or

(*d*) The payment of the expenses connected with any buildings, repairs, rebuildings, alterations or improvements authorized to be made upon the settled estates in question.

(*e*) The payment to any person becoming absolutely entitled.

[Imp. 40 & 41 Vict., c. 18, s. 34.]

34. The application of the money in manner aforesaid may, if the court shall so direct, be made by the trustees (if any) to whom the court has authorized the same to be paid, without any application to the court; or upon an order of the court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land. Trustees may apply moneys in certain cases without application to court.

[Imp. 40 & 41 Vict., c. 18, s. 35.]

35. Until the money can be applied as aforesaid, the interest [accruing thereon] shall be paid, as [the court shall direct] to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land. Until money can be applied interest to be paid to parties entitled.

[Imp. 40 & 41 Vict., c. 18, s. 36.]

36. Where any purchase money paid into court or to trustees under the provisions of this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the court on the petition of any party interested in such money to order that the [interest which shall accrue thereon be] paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid, or as near thereto as may be. Court may direct application of money in respect of leases or reversions as may appear just.

[Imp. 40 & 41 Vict., c. 18, s. 37.]

COURT MAY EXERCISE POWERS REPEATEDLY, BUT MAY NOT EXERCISE THEM IF EXPRESSLY NEGATIVED.

37. The court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if any express declaration that they shall not be exercised is contained in the settlement; provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended. Court may exercise powers repeatedly.

[Imp. 40 & 41 Vict., c. 18, s. 38.]

38. Nothing in this Act shall be construed to empower the court to authorize any lease, [mortgage], sale, or other act beyond the extent to which, in the opinion of the court, the same might have been authorized in and by the settlement by the settlor. Court not to authorize any Act which could not have been authorized by the settlor.

[Imp. 40 & 41 Vict., c. 18, s. 39.]

Acts of the courts in the professed pursuance of this Act not to be invalidated.

39. After the completion of any lease, [mortgage], or sale, or other act under the authority of the court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the court was not hereby empowered to authorize the same.

[Imp. 40 & 41 Vict., c. 18, s. 40, in part repealed by 44 & 45 Vict. cap. 41, s. 70; and by 57 & 58 Vict. cap. 56].

ORDERS OF COURT CONCLUSIVE.

Orders of court conclusive.

40. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice or service, whether the purchaser has notice of any such want or not.

This section shall have effect with respect to any lease, [mortgage], sale or other act, under the authority of the court, and purporting to be in pursuance of this Act, or to be in pursuance of any former Act repealed or amended by this Act, notwithstanding any exception in such former Act.

[Imp. 44 & 45 Vict. c. 41, s. 70.]

COSTS.

Costs.

41. It shall be lawful for the court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act, shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations [or may direct the same to be paid out of the corpus or income of any fund realized by the sale, mortgage or lease of such estate under the provisions of this Act] and the court may also direct that such costs and expenses shall be raised by a sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed [and paid] as the court shall direct.

[Imp. 40 & 41 Vict, c. 18, s. 41.]

LEASES BY TENANTS FOR LIFE.

Tenants for life, etc., may grant leases for 21 years.

☞**42**.—(1) It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estate for an estate for any life or for a term of years determinable with any life or lives or for any greater estate, either in his own right or in right of his wife, (unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise); and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the curtesy or in dower, or in right of a wife who is seised in fee, without any application to the court (subject to the exception

hereinafter mentioned), to demise the same or any part thereof, from time to time, for any term not exceeding 21 years, to take effect in possession, at or within one year next after the making thereof; provided that every such demise be made by deed, and the best rent that can be reasonably obtained be thereby reserved without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion, and shall be made payable half-yearly, or oftener; and provided that such demise be not made without impeachment of waste and do not authorize the cutting of any timber or felling of any trees except in the ordinary course of husbandry, and do contain a covenant (by the lessee) for payment of the rent, and such other usual and proper covenants as the lessor shall think fit, together with a covenant or condition for re-entry on non-payment of rent for a period of 28 days after it becomes due or for some less period to be specified.

(2) A tenant for life or owner entitled as in sub-section 1 may also make:—

(*a*) A lease for giving effect to a contract entered into by any of his predecessors in title for making a lease, which, if made by the predecessor, would have been binding on the successors in title; and

(*b*) A lease for giving effect to a covenant of renewal, performance whereof could be enforced against the owner for the time being of the settled land; and

(*c*) A lease for confirming, as far as may be, a previous lease, being void or voidable; but so that every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been wilfully granted under this Act, or otherwise as the case may require. Imp. Stat. 45 & 56 Vict., c. 38.

(3) Every lease made under this section shall be by deed in duplicate and shall be executed by the lessor and lessee and shall be subject to the provisions of section 32 of this Act.

(4) Where two or more persons are under the same settlement or otherwise entitled in possession to concurrent estates for life, or are concurrently entitled to the possession or receipts of the rents and profits as in sub-section 1 mentioned, they shall, for the purposes of this section, act concurrently. [*See* Imp. Stat. 45 and 46 Vict., c. 38, s. 2, ss. 6.]

Against whom leases shall be valid.

43. Every demise authorized by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife, and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

[Imp. 40 & 41 Vict., c. 18, s. 47.]

PROVISIONS AS TO APPLICATIONS, CONSENTS, ETC.

Provisions as to infants, lunatics, etc.

44. All powers given by this Act, and all applications to the court under this Act, and consents to and notifications respecting such applications may be executed, made, or given by, and all notices under this Act may be given to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation or insolvents; and the Official Guardian *ad litem*, or any other guardian *ad litem* appointed by the court may consent to, and give notifications respecting such applications, and give all notices under this Act on behalf of any infant or person of unsound mind not so found; provided, nevertheless, that in the cases of infants or lunatics, or persons of unsound mind not so found, all consents to or notifications or notices respecting any application so given by any committee or by the Official Guardian or other guardian *ad litem* appointed by the court shall be subject to the approbation of the court.

[Imp. 40 & 41 Vict., c. 18, s. 49. New as respects Official Guardian, and persons of unsound mind not so found.)

As to application by or consent of married women, whether of full age or under age.

45. Married women may make or consent to [or oppose] any applications whether they be of full age or infants.

[Imp. 40 & 41 Vict., c. 18, s. 52.]

No obligation to make or consent to application, etc.

46. Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the court or to exercise any power.

[Imp. 40 & 41 Vict., c. 18, s. 53.]

Tenants for life, etc., to be deemed entitled notwithstanding incumbrances.

47. For the purposes of this Act a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates although his estate may be charged or incumbered either by himself or by the settlor, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.

[Imp. 40 & 41 Vict., c. 18, s. 54.]

To what settlements this Act to extend.

48. This Act shall, except as hereinafter provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act.

[Imp. 40 & 41 Vict., c. 18, s. 57.]

RULES OF COURT.

Rules of court.

49. The Rules in the schedule to this Act shall be deemed and construed as Rules of Court, and shall regulate the proceedings in the High Court of Justice as to all matters to which the said Rules extend. But such Rules may be annulled or altered by the authority by which new Rules of Court may be made.

[Ont. *Judicature Act*, s. 105; Imp. 40 & 41 Vict., c. 18, s. 42.]

50. Section 32 of *The Judicature Act* is amended by striking out the words "in regard to leases and sales of settled estates and," in the first subsection thereof, and by striking out the second and fifth subsections; and the statute passed in the 53rd year of Her Majesty's reign, chapter 14, intituled *An Act to amend the Law respecting the Lease and Sale of Settled Estates*, is hereby repealed; provided always, that this section shall not affect anything done or any proceedings taken under any enactment hereby amended or repealed. [*New.*] Rev. Stat., c. 44, s. 32, amended; 53 V. c. 14, repealed. Proviso.

51. Nothing in this Act shall interfere with the exercise of any powers to authorize or grant leases conferred by any Statute not expressly repealed by this Act.
[Imp. 40 & 41 Vict., c. 18, s. 59.] Powers conferred by other Acts.

SCHEDULE.

Rules of Court (*ante*, sec. 50).

[(1) All proceedings under the Act shall be intituled in accordance with Form No. 1 in the Appendix;] and every petition shall in the body thereof, or in a schedule thereto, or by plan thereto annexed, contain a detailed description of the property proposed to be dealt with by such petition sufficient to identify the same. [Every petition shall be filed with the Clerk of Records and Writs at Osgoode Hall, in the city of Toronto, at least fourteen days before the day named for the hearing thereof, and all notices required to be given by the Act and Rules may be given at any time after the filing of the petition.] Title petition affidavits, etc.

[Imp. Settled Estates Act Orders, 1878, No. 2.]

(2) The notice to be given by the 25th section of the Act, if given before the hearing (or if given after the hearing and the judge shall not otherwise direct), may, without any other direction of the court, be given within the jurisdiction of the court by delivering to the person to be served a notice (in the form No. 2 in the Appendix hereto) with such variations as circumstances require, and the time to be specified in such notice for the person served to [file and] deliver a notification shall be not less than 14 clear days after the service. In case the person to be served is out of the jurisdiction of the court, or it is desired to serve such notice on any person within the jurisdiction of the court in any other manner than above provided, an application shall be made at chambers *ex parte* by the petitioner for directions as to the manner in which such notice shall be given, and as to the time to be specified in such notice within which the notification is to be made by the person served. Notice to be given.

[Imp. Settled Estates Act Orders, 1878, No. 4.]

(3) Infants, and persons of unsound mind (not so found), required to be served with notice of any application to the High Court, may be served by delivering to the Official Guar- Service on infants and persons of unsound mind not so found.

dian, *ad litem*, a copy of the petition or other proceeding required to be served; and from the time of such service, the said Official Guardian shall be the guardian *ad litem* of the infant, or person of unsound mind, unless and until the court or judge otherwise orders; and the said Official Guardian, or any other guardian appointed by the court for such infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian. In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the Official Guardian *ad litem*, one copy only of the petition or other proceeding need be so served, but the name of each person on whose behalf the Official Guardian *ad litem*, is served is to be stated on the copy served; [provided also, that in the case of a person of unsound mind (not so found), he shall, when practicable, be also personally served with notice of any application, and in case it shall not be practicable, then the person in whose custody or care he may be living shall be served with such notice.]

[R. S. O., 1887, c. 44, s. 32, s.s. 3, 4.]

Examination of married women only necessary if directed by the court.

(4) The examination of a married woman apart from her husband as to her knowledge of the nature and effect of an application for the sale, [mortgaging] or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court.]

[R. S. O., 1887, c. 44, s. 32, s.s. 2.]

Where infant is applicant.

(5) An infant may make any application to the court under the Act [by his guardian or next friend, and in any such case the Official Guardian *ad litem* or any other guardian *ad litem* appointed by the court shall be served with a copy of the petition, and the said Official Guardian or other guardian *ad litem* appointed by the court shall thereafter attend and watch the proceedings on behalf of such infant.]

[Imp. Settled Estates Act Orders, 1878, No. 5.]

Notice of hearing.

(6) Notice of the hearing of the petition shall be served on all persons dissenting from, or desiring to be heard in opposition thereto, and upon committees of lunatics, and upon the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court, who may be interested in the proceedings on behalf of any infant or person of unsound mind (not so found), at least two clear days before the day for hearing the same; and on filing with the Clerk of Records and Writs, on any day before the day fixed for hearing the petition, the notice of hearing with proper proof of service, the said Clerk shall enter the same for hearing on the list for the day for which notice of hearing is given. [*New.*]

Evidence on application as to lunatic.

(7) Where a committee of a lunatic shall make or consent to any application, or give any notification respecting any application, the authority of such committee to act on behalf of the lunatic shall be produced [to the court, and also evidence

to satisfy the court that it is, and the committee is to make an affidavit that he believes that it is proper and consistent with a due regard to the interest of such lunatic; and] if it shall appear that it is proper and consistent with a due regard for the interest of the lunatic that the committee shall make or consent to the application, or give any specific notification respecting the application, the court may [approve of his so doing.]

[See Imp. Settled Estates Act Orders, 1878, No. 11.]

Evidence as to [consent of infant or person of unsound mind, not so found.]

(8) [Where the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court], of an infant, [or the Official Guardian *ad litem*, on behalf of any person of unsound mind, (not so found), shall] consent to any application, or give any notification respecting any application, evidence is to be produced to satisfy the court that it is, and the guardian is to make a affidavit that he believes that it is proper and consistent with a due regard to the interest of such infant [or person of unsound mind, not so found] that such [consent] shall be given, [and thereupon the court may approve of the same being given].

[Imp. Settled Estates Act, Ord. 12.]

Evidence that application is proper.

(9) Upon every petition the court shall be satisfied by sufficient evidence that it is proper and consistent, with a due regard for the interests of all parties entitled under the settlement, that the powers should be exercised, and it shall be stated in the affidavit why and upon what ground it is deemed to be so.

[Imp. Settled Estates Act, Ord. 15.]

Evidence of service on trustees.

(10) Upon every petition where there are any trustees seized or possessed of any estate in trust for any of the persons whose consent or concurrence to or in the application is required, evidence is to be produced that notice of the application has been served on such trustees.

[Imp. Settled Estates Act, Ord. 16.]

Evidence of no previous application to parliament.

(11) Upon every petition evidence shall be produced to satisfy the court that neither the applicant nor any party entitled has previously applied to the [Legislative Assembly of the Province of Ontario] for a private Act to effect the same or similar object, or if any such application has been made, that the same was not rejected on its merits or reported against by the judges to whom the Bill may have been referred.

[Imp. Settled Estates Act, Ord. 17.]

Service or advertisement of notice.

(12) If upon the hearing of any petition the court shall be of opinion that notice ought to be served on any person who shall not have been served, or that notice of application ought to be inserted in any newspaper, the court shall give directions accordingly, and the petition shall stand over generally or to such time as the court shall direct.

[Imp. Settled Estates Act, Ord. 18.]

Where advertisement — Persons who may be heard.

(13) When the court shall, at the hearing, have directed notice of any application to be inserted in any newspapers, any person may, at the time specified in the notice, be heard in opposition to or in support of the application, subject to such order as the court shall think fit to make as to costs.

[Imp. Settled Estates Act, Ord. 19.]

What order is to state.

(14) Every order shall state, in addition to the names of the petitioners, the names of the persons other than the petitioners who concur or consent, or to whom notice of the application has been given, or who may have appeared in opposition to or in support of the application, and whether any notice was received from the persons to whom notice has been given, and if any has been received, the purport thereof, and also the names of the persons, if any, notice to whom has been dispensed with, and whether the order is made subject to any, and what rights, estate or interest of any person whose concurrence or consent has been refused, or who shall not, or shall not be deemed to have submitted his rights or interests to be dealt with by the court, or whose rights or interests ought, in the opinion of the court, to be excepted.

[Imperial Settled Estates Act, Ord. 24.]

In case of leases.

(15) In cases where the court authorizes a lease, the order shall direct that the lease shall contain such conditions as are required by the Act, and such other covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances, or may direct the same to contain such covenants, conditions and stipulations as may be approved by the [Master in Ordinary, or a Local Master].

[Imp. Settled Estates Act, Ord. 25.]

Forms.

(16) The Forms set forth in the Appendix hereto shall be adhered to, subject only to such variations as may be necessary to meet the circumstances of the case or direction of the court.

[Imp. Settled Estates Act, Ord. 27.]

Saving clause.

(17) In all cases not provided for by the Act or these Rules, the existing forms and mode of procedure and general practice of the court on similar proceedings shall apply to proceedings under this Act.

[Imp. Settled Estates Act, Ord. 28.]

Court may dispense with Rules.

(18) The Court, in the case of any petition, may, by special order, dispense with all or any of the preceding Rules, so far as they are applicable to such petition, in any case in which it shall think fit, and upon such terms and conditions (if any) as it may deem proper.

[Imp. Settled Estates Act, Ord. 32.]

Short title.

(19) The Rules may be cited as *The Settled Estates Act Rules, 1895*, [and shall remain in force so long as, and be subject to be amended or added to as the Supreme Court of Judicature for Ontario shall see fit].

[Imp. Settled Estates Act., Ord. 34.]

APPENDIX.

No. 1—Form of Title of Petition and other Proceedings

Title of Petition.

In the High Court of Justice,

In the matter of estates settled by *A. B.* (*or A. B.* and others), by will dated (*or* deed dated) consisting of certain lands or messuages or tenements in the of in the county of

and in the matter of *The Settled Estates' Act 1895.*

No. 2.—Form of Notice Pursuant to Section 25 of the Act.

(Title same as Petition, Form 1.)

Imp. S. E. Act, Ord. Form 4.

Take notice that (*name petitioners and their address, as in petition*) have [filed in the office of the Clerk of Records and Writs at Osgoode Hall, Toronto] a petition in the above matters praying that (*as in petition, and describing the lands, messuages or tenements as in the petition*) and it is intended to apply to the said court for an order in accordance with such prayer, and you are (severally) hereby required to [file a notification in the office of the said Clerk of Records and Writs at Osgoode Hall, Toronto] in writing within [14 days] after the service hereof whether you assent to or dissent from such application, or submit your rights or interests so far as they may be affected by such application, to be dealt with by the court, [and a copy of] such notification is to be delivered to the petitioners' solicitors or left for them at the address specified at the foot hereof, and may be so delivered by transmitting the same to them by post at such address.

If no notification shall be so [filed and] delivered within the time above limited you will be deemed to have submitted your rights and interests to be dealt with by the court, [and the court may thereupon make such order as it shall see fit without further notice to you.]

In the event of your dissenting from such application and desiring to be heard in opposition to the application, you are by your notification, to require notice to be given to or left for you or your solicitor (*specifying a place*), at a place within two miles of the office of the said Clerk of Records and Writs, (see Con. Rule 241) *within days* of the day on which the petition is fixed for hearing.

You or your solicitor can, upon reasonable notice to the undernamed, *A.* and *B.*, inspect and peruse a copy of the petition without payment of any fee, and you are entitled at your own expense to have a copy of such petition furnished to you.

Imp. S. E. Act, Ord. Form 12, Consol. Rule 241.

Where a trustee is to be served under section 29 of the Act, add: "This notice is given you in pursuance of the above Act, because you are seized or possessed of an estate in trust for (*name beneficiary*) whose consent or concurrence to or in the application is required by the Act."

Dated day of

A. and *B.*
Petitioners' Solicitors,
(*address*)

To (*name person or all persons to be served pursuant to above section.*)

Note—A copy of the above notice, with a notification at the foot thereof to be filled up by you, is sent herewith.

[Imp. Settled Estates Act, Orders, 1878. Appendix Forms 4 and 12.]

No. 3.—Form to Accompany Notice Pursuant to Section 25 of the Act.

(*Copy Notice, as in Form No. 2.*)

Imp. S. E. Act, Form 6.

In pursuance of a notice, of which the above is a copy, served on me on the day of I hereby notify that I*

Dated this day of
To Messrs.†

† Names of solicitors of petitioner.

(*signature and address of person giving notice.*)

* Here insert "assent to the application" or "dissent from the application" or "submit my rights and interests so far as they may be affected by the application to be dealt with by the court."

And if you dissent and desire to be heard in opposition thereto add, "And I desire to be heard in opposition to the application and require notice to be given to at (*naming place within 2 miles of the office of the Clerk of Records and Writs*) of the day fixed for the hearing of the petition."

No. 4.—Form of Notice to be Inserted in Newspapers if Directed Pursuant to the 30th Section.

(*Title as in Petition, Form No. 1.*)

Imp. S. E. Act, Ord. Form 13.

By direction of Mr. Justice notice is hereby given that a petition has been [filed in the office of the Clerk of Records and Writs at Toronto praying] for a sale or for powers to grant [a mortgage or] leases of the above-mentioned hereditaments; (*or otherwise according to the circumstances*); and the [said petition will be heard before the court at Osgoode Hall, Toronto, on the day of next at the hour of 10 o'clock in the forenoon, or so soon thereafter as the same can be heard] and, any person, whether interested in the estate or

not, may [at that time and place] be heard in opposition to or in support of such application. The petition may be inspected upon application to Messrs. *A.* and *B.*, of the solicitors for the petitioners.

Dated at the day of 18

A. B.

Solicitors for Petitioners.

No. 5.—Form of Order.

(*Title same as Petition, Form No. 2.*)

Upon the humble petition of *C. D.* presented unto the Court this day by (*name of petitioner or petitioners in full*) praying (*as in the petition set out, and describing the lands, messuages or tenements as in the petition*) and it appearing to the satisfaction of the Court that neither the applicant nor any other party entitled has previously applied to the Legislative Assembly of the Province of Ontario to effect the same or a similar object to that prayed for in the petition (*or if any such application has been made, show that the same was not rejected on its merits or reported against by the Judge to whom the Bill may have been referred*) and it appearing to the satisfaction of the Court that the said petitioner was duly qualified to apply by way of petition for the relief asked for, and that the petitioner duly filed with the Clerk of Records and Writs at Osgoode Hall, Toronto, his said petition, and thereafter properly gave notice of the filing of the same to (*here give the names in full of all persons other than the petitioner, to whom notice of the application has been given*) and required them to notify in manner directed by *The Settled Estates Act* their consent or otherwise to the application, of whom (*here give the names in full of all persons served with notice of the application who concur or consent*) have concurred in and consented to the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have neither filed nor served any notification of consent or dissent*) have neither consented to nor dissented from the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have submitted their rights and interests to be dealt with by the Court*) have submitted their rights and interests to be dealt with by the Court, and of whom (*here give the names in full of all persons served with notice of the application who have appeared in opposition to the prayer of the said petition being granted*) have appeared in opposition to the prayer of the said petition being granted, and of whom (*here give the names in full of all persons served with notice of the application who have appeared in support of the prayer of the said petition being granted*) have appeared in support of the

prayer of the said petition being granted, and of whom (*here give the names of all trustees served with notice of the application, and the names of the beneficiaries on whose behalf the trustees are served*) are trustees representing (*names of beneficiaries*) which said trustees have been duly served with notice of this application, and who consent to (*or*, dissent from) the granting of the prayer of the said petition (*as the case may be*), and of whom (*here give the names in full of all persons served with notice of the application who have filed and served any notice* [*setting forth the purport thereof*] *but who have not appeared before the Court*), and of whom (*here give the names in full of any infants or persons of unsound mind not so found for whom the official guardian* ad litem *or any other guardian* ad litem *appointed by the Court has been served*) being infants (*or*, persons of unsound mind, *as the case may be*), the Court has approved of the concurrence and consent by the official guardian *ad litem* (*or*, other guardian *ad litem* appointed by the Court, *as the case may be*) on behalf of such infant (*or*, person of unsound mind, *as the case may be*) to the prayer of the said petition being granted; and of whom (*here give the names in full of any lunatics and of their committees who have been served for the lunatics with notice of this application*), being a lunatic represented by E. F., his committee, the Court has approved of the said committee concurring and consenting on behalf of the said lunatic to the prayer of the said petition being granted; and this Court having been pleased to dispense with service of notice of this application on (*here give the names in full of all persons on whom service of the notice of the application has been dispensed with by the Court*), and the Court having ordered that notice of this application should be inserted in the a newspaper published at in the county of and it appearing that the said notice was duly published in manner directed, in pursuance of which advertisement (*here give the names of all persons who have appeared pursuant to the advertisement*) have appeared in pursuance of the said advertisement and have been heard before this Court (*or*, no one having appeared pursuant to the said advertisement, *as the case may be*), and this Court being satisfied from the affidavits of (*here give the affidavits filed*) filed in support of this petition, and from the evidence of (*here give the names of all persons who have given* viva voce *evidence in support of the petition*) that it is proper and consistent, with a due regard for the interests of all parties entitled under the said will (*or*, other settlement, *as the case may be*) that the prayer of the said petition should be granted, and it appearing that all parties entitled to notice of the hearing of the petition have been duly notified of the hearing hereof and upon reading the said petition and hearing what was alleged by counsel for (*name all the parties appearing.*)

This Court doth order that (*here set out the relief asked for by the petition so far as the same has been granted by the Court*).

If any persons' rights are reserved by the order, then show whether the order is made subject to any and what rights, estate or interest of any person whose concurrence or consent has been refused, or, who shall not, or shall not be deemed to, have submitted his rights or interests to be dealt with by the Court, or, whose rights, or interest, ought, in the opinion of the Court, to be excepted.

[*If any person's rights are reserved by the order, then show whether the order is made subject to any and what rights, estate or interest of any person whose concurrence or consent has been refused, or, who shall not, or shall not be deemed to, have submitted his rights or interests to be dealt with by the Court, or, whose rights, or interests, ought, in the opinion of the Court, to be excepted.*]

[*If the purchase money is to be paid into Court to trustees, state the provisions as to disposition of purchase money having reference to sections 33, 34, 35 and 36 of the Act.*]

[*If the Court authorizes a lease, see rule 15 as to what the order shall contain,*]

No. 100.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

First	Reading,	8th	March, 1895.
Second	Reading,	19th	March, 1895.

(*Reprint as again amended by Committee of the Whole House*).

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 101.] BILL. [1895.

An Act respecting Dower in Mortgaged and other Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Wife joining in deed without releasing dower.

1. No action of dower shall be maintained where a wife joins in a deed purporting to convey the land, or signs a deed by which her husband conveys or purports to convey the land, notwithstanding that the deed in either case contains no words purporting to convey or release her dower or other estate or interest in the land.

Deeds executed before passing of Act; rights of third persons.

2. Nor shall an action of dower be maintained where the wife has heretofore joined in or signed any such deed; but this section is not to be construed as prejudicing in any way the rights of third persons claiming the land or some interest therein under a subsequent mortgage executed by the wife and containing a conveyance or release of her dower or other estate or interest.

Bar of dower in mortgages, effect of.

3. In the event of the land, comprised in any mortgage or other instrument hereafter executed by which the mortgagor's wife barred her dower, being sold under any power of sale contained in the mortgage, or under any legal process, the wife shall be entitled to dower in any surplus of the purchase money arising from such sale, which may remain after satisfaction of the claim of the mortgagee or grantee, to the same extent as she would have been entitled to dower in the land had the same not been sold; and the amount to which she is entitled shall be calculated on the basis of the amount realized from the sale of the land, and not upon the amount realized from the sale over and above the amount of the mortgage only. This section shall not apply where the mortgage is for the unpaid purchase money of the land; and nothing therein contained shall be considered to affect, by implication or otherwise, any question in the case of mortgages heretofore executed.

No. 101.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Dower in Mortgaged and other Property.

First Reading, 8th March, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 102.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Municipal Act 1892*, is amended by adding thereto the following sections :— 55 V. c. 42 amended.

663*c*. On the application of the trustees of any police village for the issue of debentures for the purchase of fire engines and other appliances for the purpose of fire protection or for lighting the streets of such police village, or supplying light and heat to the inhabitants thereof, the council of the township in which the police village is situated shall submit to the ratepayers of such village in the manner provided by *The Consolidated Municipal Act 1892* in respect of by-laws for the creating of debts, a by-law for the purpose of issuing such debenture or debentures for a period not exceeding twenty years, and for levying a special rate for repayment thereof upon the taxable property in such police village, and in the event of the assent of the said ratepayers being thereto obtained then it shall be the duty of such council to raise or borrow such sum. Submitting by-laws for purchase of fire appliances and lighting and heating in police villages.

663*d*. All moneys so raised as aforesaid by the issue of debentures shall be retained in the hands of the township treasurer, who shall pay thereout any order given in favor of any person or persons by the inspecting trustee or by any two of the trustees, such order being for work previously actually performed or in payment of some other executed contract necessary for the carrying out of such improvements. Treasurer to pay orders of trustees on funds raised.

663*e*. It shall be the duty of the trustees, and the trustees shall have power to let contracts, employ labor, purchase material, and do all things necessary for the proper construction, maintenance and operating of such improvements, and the said trustees shall have the care, control and management of said fire engine and appliances as well as of the construction, maintenance and operating of the plant and apparatus necessary for the purpose of supplying light and heat as aforesaid. Trustees may make contracts, employ labor, etc.

No. 102.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 11th March, 1895.

Mr. McKee.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 103.] **BILL.** [1895.

An Act affecting Jurors and Juries.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 12, s. 2 amended.

1. Section 2 of the Act intituled *An Act reducing the Number of Grand Jurors*, passed in the 55th year of Her Majesty's reign, chaptered 12, is amended by inserting the words "and for the general sessions of the peace" immediately after the words "gaol delivery" in the third line thereof.

Rev. Stat. c. 52, s. 140, amended.

2. Section 140 of *The Jurors' Act* is amended by adding thereto the following as subsections 1 and 2 of the said section.

Jurors attending on Saturdays and Mondays to receive their day's pay.

(1) When a grand or petit juror actually attends the sittings of the court as such juror on Saturday and on the Monday following, the Sunday intervening shall be included in the pay list by the sheriff, and the juror shall be entitled to be paid for such day.

Absence of jurors not residents of county town by permission of judge.

(2) Where jurors, who do not reside in the county town, are in attendance at court and are informed by the presiding judge that their attendance at court will not be required for several days and they are at liberty to return home, their per diem allowance as jurors shall not be deducted on account of or during such absence for a period not exceeding two days, but they shall be paid as though actually in attendance for such two days.

Disclosing jury panel.

3. The names of the jury drafted for any panel shall be kept by the sheriff under lock and key and shall not be disclosed by any person present with the sheriff or other officer whose duty it is to draft the panel nor by the sheriff or other officer nor by his deputy or other officer or clerk, except in so far only as it may be necessary so to do, in order to prepare the lists of the panel and serve the jury summons until four days before the sittings of the court for which the list has been drafted, unless the party applying for an examination of the panel shall file with the sheriff or other officer an affidavit,

made in a cause then pending, stating that he desires so to examine the same, in order to determine whether a special jury shall be struck in such suit, and that he is a party to such suit or is the solicitor for one of the parties therein, and that the examination is not desired and will not be used for any other purpose.

Posting up copies of sec. 154 of Criminal Code.

4. It shall be the duty of the sheriff at the sittings of the High Court for trials by jury and of the General Sessions of the Peace to post up in the court room and jury rooms and in the general entrance hall of the court house printed copies in conspicuous type of section 154 of the Criminal Code.

Rev. Stat. c. 52, s. 22 amended.

5. Section 22 of *The Jurors' Act* is amended by adding thereto as subsections 5, 6 and 7 of the said section:

Who to be placed on list by municipal selectors where number of names of duly qualified persons not sufficient.

(5) Where in any municipality or urban ward the number of duly qualified persons required to be selected by the county selectors from such municipality or urban ward, after discarding the names of those exempt or incapacitated, cannot be found, the municipal selectors shall place on the list the names only of such persons within the municipality as are duly qualified, and the number of jurors required shall be selected from such list.

Clerk to notify county selectors of facts.

(6) In any such case the clerk of the municipality shall notify the county selectors of the facts and they shall at their next and subsequent selections have regard thereto.

Inability of municipal selectors to find number of names required by county selectors not to affect jury panel.

(7) The inability of the selectors in any municipality or urban ward either to find twice the number of persons having the proper qualification, after discarding the names of those exempt or incapacitated, that have been required by the county selectors to be selected or returned from any municipality or urban ward which may be written down upon the sheet as by the said Act is provided, or to find the number required by the county selectors to be returned from a municipality or urban ward, shall not invalidate or render irregular the selection by them of the jury list or panel or render the same liable to challenge either as to jurors heretofore or hereafter to be selected.

No. 103.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act affecting Jurors and Juries.

First Reading 12th March, 1895.

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 103.] **BILL.** [1895

An Act affecting Jurors and Juries.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 12, s. 2 amended.

1. Section 2 of the Act intituled *An Act reducing the Number of Grand Jurors*, passed in the 55th year of Her Majesty's reign, chaptered 12, is amended by inserting the words "and for the general sessions of the peace" immediately after the words "gaol delivery" in the third line thereof.

Rev. Stat. c. 52, s. 140, amended.

2 Section 140 of *The Jurors' Act* is amended by adding thereto the following as subsections 1, 2 and 3 of the said section.

Jurors attending on Saturdays and Mondays to receive their day's pay.

(1) When a grand or petit juror not residing in a county town actually attends the sittings of the court as such juror on Saturday and on the Monday following, the Sunday intervening shall be included in the pay list by the sheriff, and the juror shall be entitled to be paid for such day.

Absence of jurors not residents of county town by permission of judge.

(2) Where jurors, who do not reside in the county town, are in attendance at court and are informed by the presiding judge that their attendance at court will not be required for several days and they are at liberty to return home, or where a grand jury adjourns for a period of two days or more, their per diem allowance as jurors shall not be deducted on account of or during such absence for a period not exceeding two days, but they shall be paid as though actually in attendance for such two days.

(3) Or in lieu of such pay for Sundays or other days in the two preceding sub-sections mentioned, the juror may have the usual mileage payable to a juror for going to and returning from his place of residence in case a county council has passed or shall pass a by-law authorizing such mileage in any such case as aforesaid.

Disclosing jury panel.

3. The names of the jury drafted for any panel shall be kept by the sheriff under lock and key and shall not be disclosed by any person present with the sheriff or other officer whose duty it is to draft the panel nor by the sheriff or other officer nor by his deputy or other officer or clerk, except in so far only as it may be necessary so to do, in order to prepare the lists of the panel and serve the jury summons until four days before the sittings of the court for which the list has been drafted, unless the party applying for an examination of the panel shall file with the sheriff or other officer an affidavit, made in a cause then pending, stating that he desires so to examine the same, in order to determine whether a special jury shall be struck in such suit, and that he is a party to such suit or is the solicitor for one of the parties therein, and that the examination is not desired and will not be used for any other purpose.

Posting up copies of sec. 154 of Criminal Code.

4. It shall be the duty of the sheriff at the sittings of the High Court for trials by jury and of the General Sessions of the Peace to post up in the court room and jury rooms and in the general entrance hall of the court house printed copies in conspicuous type of section 154 of the Criminal Code.

5. It shall be a contempt of court for any person interested in a civil suit or proceeding in any court, or his solicitor, counsel, agent or emissary during the sittings of court at which such suit or proceeding is or is to be entered for trial or may be tried or at any time after a juror has been summoned, knowingly, directly or indirectly to speak to or consult with a juror upon the jury panel for such court respecting such suit or proceeding, or any matter or thing relating thereto, or to treat any such juror to drink, cigars or other refreshment, and in the case of a solicitor or barrister or student at law or articled clerk he may in addition to any other penalty be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list of the law society or removed therefrom for a limited time by the divisional court upon motion at the instance and in the name of the Attorney-General for the province. But this section shall not apply where a juror is also a party to or a known witness or interested in the suit or is otherwise ineligible as a juror in the particular suit, matter or cause, nor to anything which may properly take place in the course of the trial or conduct of the suit, matter or cause.

Rev. Stat. c. 52, s. 22 amended.

6. Section 22 of *The Jurors' Act* is amended by adding thereto as subsections 5, 6 and 7 of the said section :

(5) Where in any municipality or urban ward the number of duly qualified persons required to be selected by the county selectors from such municipality or urban ward, after discarding the names of those exempt or incapacitated, cannot be found, the municipal selectors shall place on the list the names only of such persons within the municipality as are duly qualified, and the number of jurors required shall be selected from such list.

Who to be placed on list by municipal selectors where number of names of duly qualified persons not sufficient.

(6) In any such case the clerk of the municipality shall notify the county selectors of the facts and they shall at their next and subsequent selections have regard thereto.

Clerk to notify county selectors of facts.

(7) The inability of the selectors in any municipality or urban ward either to find twice the number of persons having the proper qualification, after discarding the names of those exempt or incapacitated, that have been required by the county selectors to be selected or returned from any municipality or urban ward which may be written down upon the sheet as by the said Act is provided, or to find the number required by the county selectors to be returned from a municipality or urban ward, shall not invalidate or render irregular the selection by them of the jury list or panel or render the same liable to challenge either as to jurors heretofore or hereafter to be selected.

Inability of municipal selectors to find number of names required by county selectors not to affect jury panel.

No. 103.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act affecting Jurors and Juries.

First Reading 12th March, 1895.

(Reprinted with suggested amendments for Committee of the Whole House.)

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 104.] **BILL.** [1895.

An Act respecting the Legal Meaning of Expressions relative to Time.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Expressions as to time to refer to Eastern Standard time.

1. When any expression of time occurs in any Act of this Legislature, whether heretofore or hereafter passed, or in any deed or other legal instrument, whether heretofore or hereafter executed, the time referred to shall, unless it is otherwise specifically stated, be held to be not solar time but what is commonly known as Eastern Standard time as regards that part of the province which lies east of the meridian of eighty-seven degrees west longitude, and what is commonly known as Central Standard time as regards that part of the province which lies west of the said meridian.

Short title.

2. This Act may be cited as *The Definition of Time Act, 1895.* (See Imperial Act 43-4 Vict., c. 9.)

No. 104.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Legal Meaning of Expression relative to Time.

First Reading. 12th March, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 104.] **BILL.** [1895.

An Act respecting the Legal Meaning of Expressions relative to Time.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Expressions as to time to refer to Standard time.

☞ **1.** Where an expression of time occurs in any Act of this Legislature, whether heretofore or hereafter passed, or in any by-law, deed or other legal instrument, whether heretofore or hereafter executed, the time referred to shall, unless it is otherwise specifically stated, be held to be Standard time, and as regards that part of the province which lies east of the meridian of eighty-seven degrees west longitude, Standard time shall be reckoned as five hours behind Greenwich time ; and as regards that part of the province which lies west of the said meridian, Standard time shall be reckoned as six hours behind Greenwich time. ☜

Numbering hours of day up to 24.

☞ **2.** The hours of the day may in any locality be numbered in one series up to 24 according to the "24-hour notation" so called, and the numbers so used shall be equally valid with the numbers used in the division of the day into two series of 12 hours, distinguished as " a.m." and " p.m." ☜

3. This Act may be cited as *The Definition of Time Act, 1895.* (See Imperial Act 43-4 Vict., c. 9.)

No. 104.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Legal Meaning of Expression relative to Time.

First Reading, 12th March, 1895.
Second Reading, 19th March, 1895.

(*Reprinted as amended in Committee of the Whole House.*)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 105.] **BILL.** [1895.

An Act respecting Convictions under Municipal By-laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Convictions not invalidated for want of proof of by-law.

1. No conviction made under a municipal by-law passed in pursuance of any Act of this Legislature shall be deemed invalid or be quashed for want of proper proof of such by-law before the convicting justice, but upon any application to quash such conviction the court to which the application is made may, in its discretion, dispense with proof of the by-law or may allow the same to be proved before it by affidavit or by the production of a copy duly certified in manner provided by section 289 of *The Consolidated Municipal Act 1892*. 55 V. c, 42.

No. 105.

1st Session, 8th Legislative, 58 Vict., 1895.

BILL.

An Act respecting Convictions under Municipal By-laws.

First Reading, 12th March, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 105.] **BILL.** [1895.

An Act respecting Convictions under Municipal By-laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Convictions not invalidated for want of proof of by-law.

☞ **1.** On an appeal from a motion to quash a ☜ conviction made under a municipal by-law passed in pursuance of any Act of this Legislature *such conviction* shall *not* be deemed invalid or be quashed for want of proper proof of such by-law before the convicting justice, but upon *any proceeding* to quash such conviction the court to which the application is made may, in its discretion, dispense with proof of the by-law or may allow the same to be proved before it by affidavit or by the production of a copy duly certified in manner provided by section 289 of *The Consolidated Municipal Act 1892.* 55 V. c. 42.

No. 105.

1st Session, 8th Legislative, 58 Vict., 1895.

BILL.

An Act respecting Convictions under Municipal By-laws.

First Reading, 12th March, 1895.
Second Reading, 19th March, 1895.

(*Reprinted as amended by Committee of the Whole House.*)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 106.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 69 of *The Consolidated Municipal Act 1892*, is amended by adding thereto as sub-sections 3 and 4 :— 55 V. c. 42, s. 69 amended.

(3) The council of any town having 4,000 inhabitants or over may with the assent of the electors of the municipality thereto obtained in the manner provided for in section 293 and following sections of this Act pass a by-law abolishing the existing divisions of such municipality into wards, so far as the same affect the election of councillors and not otherwise, and thereafter the election of councillors of such town shall be by general vote, and such by-law shall take effect at the next ensuing general municipal election after the passing thereof. This section shall apply to the election of councillors only, and for all other purposes the division of such municipality into wards shall be deemed to continue to exist in the same manner as if such by-law had not been passed. Abolishing wards in towns and electing councillors by general vote.

(4) The council of any such town may by the same or any subsequent by-law fix and determine the number of councillors to be thereafter elected for such municipality.

No. 106.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, th March, 1895.

J. R. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 107.] **BILL.** [1895.

An Act to amend The High Schools Act, 1891.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Sub-section 2 of section 31 of *The High Schools Act, 1891*, is hereby repealed. 54 V. c. 5, s. 31, s-s. 2, repealed.

No. 107.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The High Schools Act, 1891.

First Reading, 13th March, 1895.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 108.] **BILL.** [1885.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 52, *The Consolidated Assessment Act 1892*, is hereby amended by inserting after the word "village" in the first line of the said sub-section the word "townships," and by inserting after the word "village" in the eighth line of the said sub-section, the words "or townships." 55 V. c. 48, s. 52, sub-s. 1, amended.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 14th March, 1895.

Mr. LITTLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 109.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 624, sub-s. 1, amended.

1. Sub-section 1 of section 624 of *The Consolidated Municipal Act 1892*, is amended by adding to the said sub-section the following provisoes:—

Contribution to construction of permanent sidewalks.

(*a*) Provided that in the case of granolithic, stone, asphalt and brick sidewalks constructed as local improvements where the municipality at large provides forty per cent. of the cost of construction which would otherwise fall on the property benefited, such exemption shall be sixty per cent. only of the said general rate.

(*b*) Provided further, that all such exemptions in respect of local improvement works now fixed and allowed on the above basis, where such basis is adopted in the petitions for such works, are hereby declared valid and are confirmed.

No. 109.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

1st Reading, 14th March, 1895.

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 110.] BILL. [1895.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Registry Act 1893*, is hereby amended by adding thereto the following section : 56 V. c. 21, amended.

88*a*.—(1) Every registrar shall annually transmit, on or before the 15th day of January, to the clerk of every municipality situate within his registry division, a statement showing the number of each lot, with a sufficient description to identify same, which has changed ownership in the municipality during the preceding year, with the name of the grantor and grantee, or devisor and devisee in each case, with the price at which the same was sold, and the date of the instrument transferring the land in each case. Registrar to transmit annual list of land transfers to clerks of municipalities.

(2) The clerk of the municipality shall deliver such statement to the assessor for his guidance in making his assessment. Assessor to be guided by list.

(3) The registrar shall be entitled to charge the municipality receiving such statement the sum of ——— for each entry showing a change of ownership contained in such statement. Registrar's fees.

No. 110.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Registry Act.

First Reading 14th March, 1895.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 111.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 56, sub-s. 1, amended.

1. Sub-section 1 of section 56 of *The Consolidated Municipal Act 1892*, is hereby amended by erasing therefrom all the words therein between the word "just," in the seventh line of the said sub-section, and the word "and" in the eleventh line thereof.

55 V. c. 42, s. 73, sub-s. 1, amended.

2. Sub-section 1 of section 73 of the said Act is hereby amended by erasing therefrom the words "over and above all charges, liens and encumbrances affecting the same," in the eleventh and twelfth lines of the said sub-section.

55 V. c. 42, s. 103, amended.

3. Section 103 of the said Act is hereby amended by adding the word "owner" immediately after the word "as," in the thirteenth line of the said section.

55 V. c. 42, s. 232, amended.

4. Section 232 of the said Act is hereby amended by inserting the word "township" immediately after the word "county," in the first line of the said section.

55 V. c. 42, s. 254, amended.

5. Section 254 of the said Act is amended by adding thereto the following sub-section:

Treasurers may be appointed to act as collectors.

(4) If it is thought desirable so to do, the council of any municipality may by by-law appoint as collector of the municipality the treasurer of the same, and in case of such by-law being passed, the treasurer of the municipality shall have power and authority to receive all taxes tendered to him, and also to exercise all the rights, duties and powers which are not vested by law in collectors who are not also treasurers, and any such treasurer so appointed as collector of the municipality shall be liable to all the penalties in this action imposed upon collectors who are not treasurers, for anything done by them in contravention of the duties of their office, and any such treasurer so appointed as collector shall give such further security for the due performance of his duties as collector, as may be fixed by the council appointing him.

6. Section 460 of the said Act is hereby amended by adding thereto the following sub-section:

(7) The council may pass by-laws for committing to and detaining at such houses of industry for a period of not more than twelve months, such indigent persons as in the opinion of such council it is desirable to detain at such houses of industry, and the warrant of the warden or head of a council passing such by-law, under the seal of the corporation, shall be sufficient authority to the keeper of such house of industry to detain the person therein mentioned for a period not to exceed twelve months mentioned in such warrant."

No. 111.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th March, 1895.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 112.] BILL. [1895.

An Act respecting the Inspection of Building Societies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of inspector of building societies.

1.—(1) The Lieutenant-Governor in Council may from time to time appoint an officer, to be called the Inspector of Building Societies. He shall be attached to the department of the Treasurer of Ontario.

Duties.

(2) It shall be the duty of the said inspector to examine and report to the said treasurer from time to time upon all matters relating to the conduct of the business of building societies, coming under the operation of this Act.

Salary.

(3) The salary and expenses of the said inspector shall be paid out of such moneys as may be from time to time voted by the legislature for that purpose.

Fund for defraying expenses of inspection.

(4) *To form a fund for the purpose of defraying the expenses of carrying out this Act. The several building societies carrying on business in this province shall pay annually an amount to be assessed against the said societies, based on the amount of their respective assets, and determined by the treasurer of Ontario.*

Annual payments.

(5) The amounts so payable to the treasurer of Ontario shall be paid annually, upon the transmission of the annual statement of any building society to the treasurer of the province.

Annual inspection.

2. The inspector of building societies shall, personally or by deputy, visit the head office of every building society doing business in Ontario, at least once in every year, and he shall carefully examine the statements of the society as to its condition and affairs, and report thereon to the treasurer of Ontario.

Other duties.

(7) The said inspector shall also perform such other duties as may from time to time be assigned to him by the Lieutenant-Governor in Council.

Annual report of inspector.

3. The inspector of building societies shall annually prepare and present to the treasurer of Ontario a report upon the condition of the business of every building society as ascertained by him from such inspection.

4. The officers or agents of every building society shall allow the inspector or his deputy to have free and full access to the books of the society and shall otherwise facilitate the work of examination and inspection so far as may be in their power, and the inspector or deputy shall have power to examine under oath any officers or agent of a society relative to its business.

Records of inspections.

5. The books shall be kept in the department of the treasurer of Ontario, in which shall be entered the record of every inspection made by the inspector of building societies, or his deputy, together with particulars, showing the condition of this building society so inspected; and, where a special inspection or examination has been made under express directions from the treasurer of Ontario, a special written report shall be communicated to the treasurer of Ontario, stating the inspector's opinion of the condition and financial standing of the society, and all other matters desirable to be made known to the treasurer.

Untrue entries in book or obstructing inspectors.

6. Every director, officer, or agent, or employee of a building society who knowingly makes, allows or causes to be made any untrue entry in any of the books of the society, or he refuses or neglects to make all proper entries therein, or to exhibit such books or to allow same to be inspected and extracts to be taken therefrom, shall upon summary conviction thereof, be liable to imprisonment, with or without hard labor, for a period not exceeding three months.

Inspector not to report on society in which he is a shareholder.

7. No inspector or deputy appointed under this Act, shall be allowed to examine or report upon a society in which he is a shareholder.

When inspector finds society insolvent.

8. Where an inspector finds upon examination that a building society carrying on business, is in an insolvent condition, the inspector shall have full power to take over and carry on the business of such society until such time as he may be able to call a meeting of the shareholders thereof, and he shall at such meeting represent to the shareholders the condition of the affairs of the building society, and the shareholders may at such meeting or at any time within six months thereafter at an adjourned meeting, by a vote of the majority of the shareholders present thereat, assess the shareholders in the said company, for an amount sufficient to make up any deficiency in the funds of the building society, and to enable the said society to make such changes in their methods as to conform to the law and continue in business, and until the treasurer of Ontario has satisfied himself upon the report of the inspector of building societies that the building society is in a solvent condition, and that its affairs have been so arranged as to conform to the law, such society shall not carry on business.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Inspection of Building Societies.

First Reading, 14th March, 1895.

Mr. McKay (Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 113.] **BILL.** [1895.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Clause *b* of subsection 1 of section 41 of *The Bills of Sale and Chattel Mortgage Act, 1894*, is amended by striking out the words "goods are situate" in the third line thereof and substituting therefor the words "such trader or other person resides." 57 V. c. 37, s. 41, sub-s. 1, amended.

No. 113.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

First Reading, 15th March, 1895.

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 114.] BILL. [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 48, s. 26, amended.

1. Section 26 of *The Consolidated Assessment Act 1892*, is amended by adding the following subsection thereto :

By-laws for fixing assessment for five years.

(3) When the value of any land is determined by the assessment roll having finally passed the court of revision and the county judge (or the court of revision only if no appeal has been taken to such judge) the council of such municipality may by by-law determine that such value shall remain as the assessed value for the four following years, and the valuation of the assessor under section 49 hereof, when returning his roll, shall be altered so as to show that the value of the real property in such roll is in accordance with the provisions of such by-law.

55 V. c. 48, s. 64, amended.

2. Section 64 of the said Act is amended by adding thereto the following subsection :

Reducing other assessments in neighborhood of property reduced upon appeal.

(21) In case any person appeals against his assessment upon any ground, and the court of revision reduces such assessment, the court of revision or the council of the municipality may, in its discretion, consider the other properties in the immediate neighborhood of the property, the assessment of which has been so reduced by the court of revision, and may thereupon reduce the assessments upon such adjoining properties so as to make them proportionately and fairly agree with the assessment of the property which has been so previously reduced by such court of revision.

55 V. c. 48, s. 154, amended.

3. Section 154 of the said Act is amended by adding thereto the following subsections :

Correction of clerical errors in roll by clerk and assessment commissioner.

(1) In cities and towns having an assessment commissioner, the clerk of the municipality and the assessment commissioner, may at any time before or after the final passing of the assessment roll by the court of revision or the county judge, correct any clerical errors they may discover in the roll and

insert therein a proper assessment of any properties, real or personal, which may have been omitted and the name of any person who ought to be assessed for income which may have been inadvertently omitted from such roll, but before doing so shall notify the person owning such property, or the person whose name is sought to be added, of the intention to amend the roll and the nature of such amendment, and such owner or person shall have the same right to appeal from the expressed intention of such clerk and assessment commissioner in the same manner as an appeal is taken from the regular assessment roll to the court of revision and the county judge, and such owner or person shall have ten days after such notice is given, to give notice of his intention to appeal to such court of revision, and five days after the decision of the court of revision to give notice of his intention to appeal to the county judge.

This provision shall also apply to assessment rolls for different wards or sections of a city or town, where the same is divided into wards, to the same extent as if there had been only one roll for the city or town.

Meaning of "land."

(2) "Land" in the preceding sub-section shall not include the buildings and other improvements mentioned in subsection 9 of section 2 of this Act.

No. 114.

1st Session, 8th Legislature, 58 Vict. 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 15th March, 1895.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 115.] **BILL.** [1895.

An Act to amend The Ditches and Watercourses Act 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Ditches and Watercourses Act 1894*, is repealed. 57 V. c. 55, s. 7, repealed.

2. Section 13 of the said Act is amended by adding at the end thereof the words, "to which requisition shall be attached "a declaration (form B) which may be taken before a justice "of the peace, a commissioner for taking affidavits, or the "clerk of the municipality, made by the owner requiring the "ditch, and declaring that he is the owner of the parcel of land "requiring the ditch." 57 V. c. 55, s. 13, amended.

No. 115.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ditches and Water-courses Act 1894.

First Reading, 15th March, 1895.

Mr. GIBSON
(Huron.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 115.] BILL. [1895.

An Act to amend The Ditches and Watercourses Act 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Ditches and Watercourses Act 1894*, is amended by adding thereto the following: "Provided nevertheless that in case of omission to file such declaration through inadvertence or mistake at the time aforesaid the judge may in case of such ownership at said time permit the same to be filed at any stage of the proceedings upon such terms and conditions as he may impose or direct. 57 V. c. 55, s. 7, amended.

2. This Act shall be read with and as part of *The Ditches and Watercourses Act, 1894*.

No. 115.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ditches and Watercourses Act 1894.

First Reading, 15th March, 1895.
Second Reading, 22nd March, 1895.

Mr. GIBSON,
(Huron).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 116.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Municipalities may change mode of taxation.

1. Notwithstanding anything in *The Consolidated Assessment Act 1892*, contained, any municipal corporation may change, reduce or abolish the assessment for taxation of all buildings and improvements on real estate, stocks of merchandise, machinery, personalty, securities and income, or may assess for taxation any or all of such classes of property.

Manner of changing mode of taxation.

2. The powers conferred by section 1 of this Act may be exercised:

(*a*) By a by-law enacted by the municipal council, or

(*b*) By vote of the municipal electors; when the proceedings to be taken shall be as follows:

(1) A petition signed by one-tenth of the electors of the municipality shall be presented before the 15th of November in any year to the council asking that the question of imposition, reduction or abolition of the assessment on any of the classes of property mentioned in section 1 of this Act be submitted to a vote of the electors and the council shall submit such question at the next following municipal election, and the persons qualified to vote thereon shall be those qualified to vote at such elections, and if a majority of the votes cast be in favor of such reduction or abolition, the council shall forthwith adopt and carry into effect the decision of such majority.

(2) The provisions of *The Consolidated Municipal Act 1892*, relating to the submissions of by-laws to the ratepayers shall, save where inconsistent with the provisions of this Act, apply *mutatis mutandis* to the submission of the said question. 55 V., c. 42.

No. 116.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 15th March, 1895.

Mr. McKay,
(Oxford).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 117.] BILL. [1895.

An Act to amend and consolidate the Acts respecting Free Libraries and Mechanics' Institutes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Part I.

Short title.

1. This Act may be cited as "*The Public Libraries Act, 1895.*"

Establishment of public libraries.

2.—(1) A public library may be established in any city, town or incorporated village, in manner hereinafter provided.

Museums in cities of 100,000.

(2) In cities with a population of 100,000 persons or over, the board of management shall not establish a museum except by and with the consent of the municipal council of the city. 55 V., c. 47, s. 5.

Petition for establishment of library.

(3) Not less than one hundred electors in the case of a city, or not less than sixty in the case of a town, or not less than thirty in the case of an incorporated village, may present a petition to the council praying for the establishment of a public library under this Act, and on the receipt of such petition the council may pass a by-law giving effect to such petition, with the assent of the electors qualified to vote at municipal elections obtained before the final passing of the by-law as provided by *The Consolidated Municipal Act, 1892.* Rev. Stat., c. 189, s. 2 (3). 55 V. c. 42.

When by-law may be passed by council.

(4) A by-law under this Act, which has been assented to by the electors, may be passed at the first or any meeting of the municipal council thereafter, without waiting for the expiration of fourteen days or any other time, unless a petition for a scrutiny has been presented in the meantime as provided by section 328 of *The Consolidated Municipal Act, 1892.* 55 V. c. 42.

Council to pass by-law without delay.

(5) After a by-law has been assented to, it shall be the duty of the council for the time being to pass the same without unnecessary delay, whether such council is, or is not, the same council which submitted the by-law to the electors. Rev. Stat., c. 189, s. 2, (4), (5).

If defeated by electors, by-law not to be re-submitted in same year.

(6) In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the council, to be submitted to the electors within the same municipal year. Rev. Stat., c. 189, s. 2 (6).

Act to be incorporated with Municipal and Assessment Acts.

(7) Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed to be incorporated with *The Municipal* and *Assessment Acts* from time to time affecting such municipality. Rev. Stat., c. 189, s. 12.

Forms.

(8) The forms in the schedule may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions in *The Consolidated Municipal Act, 1892*, to the contrary notwithstanding. Rev. Stat., c. 189, s. 13.

55 V. c. 42.

Appointment of Board of Management.

3.—(1) The general management, regulation, and control of the library, and of the reading-room and museum shall be vested in and exercised by a board of management; which board shall be a body politic and corporate, and shall be composed of the mayor of the city or town, or the reeve of the village, and three other persons to be appointed by the council, three by the public school board, or the board of education of the municipality, and two by the separate school board, if any.

Member of appointing bodies not eligible.

(2) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board of management.

Annual retirement of one member from each class.

(3) Of the representatives appointed by the council, and the public school board, or board of education and separate school board, respectively, one shall retire annually, but may be re-appointed.

Term of office of first members.

(4) Of the three members first appointed by the council, and public school board, or board of education, respectively, one shall hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall hold office until the first day of February after his appointment, and one until the first day of February of the following year; but every member of the board of management shall continue in office after the time named until his successor is appointed.

Vacancies.

(5) In case of a vacancy by the death or resignation of a member of the board of management, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

Term of office of subsequent members.

(6) Subject to these provisions, each of the members appointed by the council, or public school board, or board of

education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

When appointments to be made.

(7) The first appointment of members to the board of management shall be made at the first meeting of the appointing council or board, after the final passing of the by-law. The annual appointments thereafter shall be made at the first meeting of the appointing council or board, after the first day of January in every year; and any vacancy arising from any cause, other than the expiration of the time for which the member was appointed, shall be filled at the first meeting thereafter of the appointing council or board. But if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

Chairman.

(8) The board of management shall elect one of their number as chairman, who shall hold office for one year; he shall preside at meetings of the board when present; in his absence a chairman may be chosen *pro tempore*. The chairman shall have the same right of voting as the other members of the board, and no other.

Meetings.

(9) The board shall meet at least once every month, and at such other times as they may think fit.

Special meetings.

(10) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Quorum.

(11) No business shall be transacted at any general or special meeting unless four members are present.

Record of business.

(12) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

Records as evidence.

(13) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of the orders and proceedings upon any judicial proceeding whatsoever. Rev. Stat., c. 189, s. 3.

Duties of board.

4.—(1) Subject to the restrictions and provisions hereinafter contained, the board from time to time, shall procure, erect or rent the necessary buildings for the purposes of the library and reading-room and for all other purposes authorized by this Act; the board shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences, for the library, reading room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and provide the necessary fuel, lighting, and other similar

matters; and appoint and dismiss, as they see occasion, the officers and servants of the board. Rev. Stat., c. 189, s. 4.

Limit as to expenditure on capital account.

(2) No public library board shall in any year purchase any lands or erect any buildings or make any addition or alterations thereto exceeding in cost $2,000 without the authority of the municipal council. 55 V., c. 47, s. 1.

Free reading rooms, museums, evening classes.

(3) The board of management may open a free reading room or museum, or both, in connection with the library; they may establish branch libraries and branch reading rooms in the municipality. They may also open evening classes for artisans, mechanics and workingmen, in such subjects as may promote a knowledge of the mechanical and manufacturing arts. 52 V., c. 38, s. 1.

Powers, etc., of board of management with respect to evening classes.

(4) All the powers vested in the board of management, and all the duties imposed upon the said board with respect to libraries, news-rooms and museums, shall apply to evening classes established under this Act, and the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they now possess with respect to other officers of the board. 52 V., c. 38, s. 2.

Board may make by-laws respecting use of library.

5.—(1) The board may make regulations for the use of the library, reading rooms, and museum, and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of such library reading room, museum, and evening classes, and for the management of all property of every kind under their control for the purposes of this Act; and the board may impose penalties for breaches of the regulations, not exceeding $10 for any offence; and may from time to time repeal, alter, vary, or re-enact any such regulations.

Promulgation of regulations.

(2) After such regulations have been published weekly for at least two weeks in a newspaper published in the municipality, or in a newspaper circulated therein, if no newspaper is published therein, the regulations so published shall be binding on all parties concerned; but any judge or magistrate, before whom a penalty imposed thereby is sought to be recovered, may order a part only of such penalty to be paid, if he thinks fit.

Recovery of damages.

(3) Nothing herein contained shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from parties liable for the same. Rev. Stat., c. 189, s. 5.

Submission of estimates by board to council.

6.—(1) The board of management shall submit to the municipal council on the first day of April in each year a detailed estimate of the several sums required to pay during the ensuing financial year—

1. The interest on any money borrowed, as hereinafter mentioned.

2. The amount of the sinking fund.

3. The expense in detail of maintaining and managing the libraries, reading rooms or evening classes under their control and of making any purchases required therefor. 55 V., c. 47, s. 2.

Board to keep regular accounts.

7. The board of management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and the accounts shall be audited by the auditors of the municipality, in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board of management. Rev. Stat., c. 189, s. 7.

Special rate for library purposes.

8.—(1) For the purpose of providing for the expenses necessary for carrying this Act into effect, the council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said board to be required as aforesaid, but not exceeding one-half of a mill in the dollar upon the assessed value of all ratable real and personal property, such rate to be called "The Public Library Rate." Rev. Stat., c. 189, s. 8 (1).

In cities of 100,000.

(2) In cities with over 100,000 of a population the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar. 55 V., c. 47, s. 3.

Submission of by-laws for incurring debts for free libraries to electors.

(3) In case any public library board requires the council to raise, as provided in the said Act, any money involving an assessment, exceeding the amount specified in section 8 (1) hereof, for the purpose of purchasing or erecting buildings, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and if the board requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on money by-laws, in the manner provided by *The Consolidated Municipal Act, 1892*, in respect of by-laws for the creation of debts, and in the event of the assent of the electors being obtained, it shall be the duty of the council to raise the said amount in the manner provided by the said Act. 55 V., c. 47, s. 4.

Public library debentures.

(4) The council may also, subject as hereinafter provided, on the requisition of the board of management, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of purchasing and erecting the necessary buildings, and, in the first instance, for obtaining books and other things required.

Interest and sinking fund.

(5) During the currency of the debentures so issued the council shall withhold, and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a sinking fund for the

retirement thereof as the debentures become due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

Application of moneys raised on debentures.

(6) All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid. Rev. Stat., c. 189, s. 8 (2), (3), (4).

When by-law need not receive assent of electors.

(7) It shall not be necessary to submit to the electors a by-law, authorizing the issue of debentures, provided the annual sum required to meet the annual interest and sinking fund do not, with a reasonable allowance for annual expenses, exceed half a mill in the dollar. 55 V., c. 47, s. 3.

Admission to be free.

9. All libraries, reading rooms and museums established under this Act shall be open to the public, free of charge. 45 V., c. 22, s. 9.

Part II.

Public libraries, how established.

10. In cities, towns and incorporated villages in which no public library has been established, the municipal council thereof may appoint a board of management, as provided by section 3 of this Act, and such board shall be a corporation within the meaning of this Act, and shall be known as the Public Library Board. (*New.*)

Mechanics' institutes changed to public libraries.

Rev. Stat. c. 173.

11.—(1) On the presentation to the municipal council of any city, town or incorporated village of a petition signed by a majority of the directors of any Mechanics' Institute, situated within such city, town or incorporated village and incorporated under *The Act respecting Mechanics' Institutes and Art Schools*, the municipal council may appoint a board of management as provided by section 3 of this Act, and such board shall be a corporation within the meaning of this Act, and shall be known as the public library board. (*New.*)

(2) On the appointment of a board of management as herein provided, the corporation of the mechanics' institute shall cease and determine, and all property real and personal and all books and papers belonging to such mechanics' institute shall be vested in such board of management subject to this Act. (*New*).

(3) Every board of management so appointed shall possess and enjoy similar powers (except as hereinafter mentioned) and discharge similar duties with respect to public libraries organized under Part II. of this Act, as are now possessed or discharged by the boards of management of public libraries appointed under Part I. of this Act. (*New.*)

(4) No special rate shall be levied by any municipal council for the purposes of a public library organized under Part II. of this Act, until a by-law has been first approved by the electors of the municipality as required by section 2 of Part I. of this Act. (*New.*)

Municipal aid.

12. The council of any municipality in which a public library has been established may pay to the board of management a sum equal to the amount annually appropriated by the Education Department for such library, or any larger sum as they may deem expedient, and it shall be lawful for such council to levy and collect such sum as part of the general expenses of the municipality. (*New.*)

Municipalities may unite.

13. Any municipality contiguous to any city, town or incorporated village in which a public library is situated may enter into an agreement with the board of management for the use of such library and for such representation on the board as may be deemed expedient. (*New.*)

Teachers' institutes may unite.

14. The teachers' institute of any inspectoral district in which a public library has been established may place the books held by such institute in the custody of the board of management of the public library, and on so doing shall be entitled to appoint one member to the board of management, and in such cases every member of such teachers' institute shall have the use of the public library on the same terms as residents of the municipality in which such library is situated. (*New.*)

Farmers' institutes may unite.

15. Every farmers' institute established within the electoral district in which a public library is situated may affiliate with such public library on terms to be agreed upon with the board of management, and in the event of such affiliation every member of such farmers' institute shall have the use of the library on the same terms and conditions as residents of the municipality in which such library is situated. (*New.*)

Public libraries free.

16. Every public library established and every mechanics' institute transferred to a board of management under Part II. of this Act, shall be open to the public free of charge. (*New.*)

Part III.

Ten persons may incorporate for purpose of establishing a public library.

17.—(1) When the municipal council does not appoint a board of management, or when the municipality is not a city, town or incorporated village, any number of persons not less than ten may become incorporated for the purpose of establishing a public library by making a declaration in the form of schedule "A" to this Act and filing the same in the office of the registrar of deeds for the registration district in which the public library

which it is proposed to establish shall be situated. The person presenting such declaration for filing shall, before the registrar or before a notary public or a commissioner for taking affidavits, declare the same to be executed by the parties thereto or by their attorneys. A copy of such declaration shall be transmitted to the Education Department. For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents. R. S. O. 1887, c. 173, s. 2, (1), (2), (3).

Election of board of management.

(2) Within thirty days after the filing of the declaration a meeting of the persons whose names were subscribed thereto shall be held for the election of a board of management for the public library which it is proposed to establish, and the board of management so elected and their successors shall be a body corporate and shall possess all the rights and powers conferred by *The Interpretation Act* and by Part III. of this Act. R. S. O. 1887, c. 173, s. 4, 5.

Rev. Stat., c. 1.

(3) On the first Monday of May in each year the members of every public library shall elect a board of management of not less than five or more than nine persons, who shall hold office for one year or until their successors are elected. The board shall, as soon after their election as convenient, elect a president, secretary, treasurer and librarian and any other officers that may be necessary for the purpose of such library. R. S. O. 1887, c. 173, s. 6, 7, 8 (amended).

Board may make regulations.

18. The board shall provide suitable accommodation for the library, reading room and evening classes, and shall have power to purchase, erect or rent buildings for this purpose ; they shall purchase books, magazines, newspapers and other reading matter for the library, and shall make regulations for the management and use of the same ; they shall also make regulations for conducting the business of the board, for holding regular and special meetings, and for defining the duties of the officers of the board, and generally for such other matters not inconsistent with this Act as may be necessary for promoting the usefulness of the public library. Minutes of all their proceedings shall be kept and entered in books to be provided for this purpose by the board of management. R. S. O. 1887, c. 173, ss. 9, 10.

GENERAL PROVISIONS.

Legislative aid.

19. The sum of forty-six thousand dollars (being the sum now appropriated by the Legislature for mechanics' institutes) shall be set apart annually by the Legislative Assembly in aid of public libraries and shall be distributed *pro rata* subject to the regulations of the Education Department as follows :

(1) The sum of one dollar will be allowed for every dollar invested annually by the board of management in the pur-

chase of books, but so as not to exceed $200 in the case of cities, $150 in the case of towns, and in all other cases $100.

(2) A further sum of one dollar will be allowed each public library for every dollar expended on newspapers and magazines for the purposes of a reading room, but so as not to exceed $50 for each reading room.

(3) The sum of $3 will be allowed for every pupil where evening classes have been established under this Act, providing the class is composed of not less than 25 pupils, with an additional allowance of $1 per pupil over the number of 25, but so as not to exceed the sum of $100 for evening classes.

(4) Every art school incorporated under the *Act respecting Mechanics' Institutes and Art Schools* or under any other Act is hereby continued and shall be entitled to receive, subject to the regulations of the Education Department, a sum not exceeding $400 annually out of any appropriation made by the Legislative Assembly for art schools. Art schools.

(5) The Ontario Society of Artists, so long as the number of its *bona fide* members is not less than 25, shall receive, subject to the regulations of the Education Department, the sum of $500, provided such sum is annually appropriated by the Legislative Assembly for the benefit of such society. R. S. O. 1887, c. 173, s. 25, 26, 27 (amended). Ontario Society of Artists.

20. When the board of management of a public library fail or neglect to open the library to the members of such library or to the public for two years, as required by the regulations of the Education Department, such failure or neglect shall operate a dissolution of such corporation, and it shall be lawful for the Education Department through its proper officer, to take possession of all the books, magazines and periodicals in such library, and dispose of the same to the municipal corporation of the municipality in which such public library is situated, on such terms and conditions as may be agreed upon, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of said directors. R. S. O. 1887, c. 173, s. 16. Neglect to keep library open.

21. Any person who wilfully interrupts or disquiets any public library established and conducted under the authority of this Act, by rude and indecent behavior, or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for each offence on conviction thereof before a police magistrate or justice of the peace, forfeit and pay for library purposes to the municipality, within which the offence was committed, a sum not exceeding $20, together with the costs of conviction, as the said police magistrate or justice may think fit. 52 V., c. 38, s. 5. Penalty for disorderly behavior.

Janitor may be appointed special constable.

22. The county judge, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be, while holding such office, a special constable, and such special constable shall have the special duty of preserving the peace in the rooms of the library and in the building in which the library is situate, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable. 56 V., c. 36, s. 1.

Regulations and Orders in Council to be laid before the Legislative Assembly.

23.—(1) Every regulation or Order in Council made under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order in Council is made.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or Order in Council, either wholly or of any part thereof, the regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. R. S. O. 1887, c. 173, s. 31.

Agreements continued.

24. Every free library instituted under *The Free Libraries Act*, and every mechanics' institute incorporated under the *Act respecting Mechanics' Institutes and Art Schools* shall be called a Public Library, and all agreements, contracts and appointments to office, and all obligations incurred by the board of management of a free library or by the directors of any corporation heretofore known as a mechanics' institute existing when this Act comes into force, shall be subject to the provisions of this Act.

Rev. Stat., cc. 173, 189, repealed.

25. The *Act respecting Mechanics' Institutes and Art Schools*, and *The Free Libraries Act*, and the amendments thereto, are repealed.

SCHEDULE A.

We, the subscribers hereto, hereby declare our intention to establish a public library at in the township of , and we further declare that the name of the corporation shall be the public library, and we do hereby apply for incorporation as provided by *The Public Libraries Act, 1895.*

(Then follow the names and descriptions of the applicants.)

SCHEDULE.

Form A.

(Petition.)

To the municipal council of

We the undersigned electors of the said city of (*or as the case may be*), respectfully pray that a public library may be established in this municipality under *The Public Libraries' Act, 1895.* R. S. O., 1887, c. 189, sch. form A.

Form B.

By-law for establishing a Public Library with the assent of the electors.

A by-law to provide for the establishment of a public library in the city of (*or as the case may be*).

Whereas electors have petitioned the council of the said city of (*or as the case may be*), praying for the establishment of a public library under *The Public Libraries' Act, 1895.*

Be it therefore enacted by the said municipal council of the said city of (*or as the case may be*), that, in case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries' Act.*

And be it further enacted that the votes of the electors be taken on this by-law on the day of , 18 , commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places: (*Here insert* (1) *the ward*; (2) *the polling subdivision*; (3) *the place for holding the poll and the name of the deputy returning officer.*)

That on the day of next, at his office in the at o'clock in the noon, the (*mayor, reeve, or as the case may be,*) shall appoint in writing, signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passage of this by-law.

That the clerk of the said municipal corporation shall attend at the at the hour of o'clock in the noon on the day of 18 , to sum up the number of votes given for or against the by-law.

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken into consideration by the council of after one month from the day of 18 , being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and place named in the said by-law. R. S. O., 1887, c. 189, sch. form B.

FORM C.

By-law for the issue of Public Library Debentures where the assent of the electors is not required.

A by-law authorizing the issue of debentures for the purposes of a public library.

Whereas a by-law of the municipal council of the city of (*or as the case may be*) was passed on the day of establishing a public library in this municipality under *The Public Libraries' Act, 1895.*

And whereas a sum of $ is required for the purposes of acquiring a site, erecting buildings, etc. (*as the case may be*) for the said public library, as appears by the special estimate for that purpose furnished by the board of management to the council.

And whereas it will require the sum of $ annually for a period of years to pay the interest of the said debt and the sum of $ annually during the said period for the forming of a sinking fund of per centum per annum for the payment of the debt created by this by-law, making in all the sum of annually as aforesaid.

And whereas it is necessary that such annual sum of shall in each year during the said period of years be charged on the special rate mentioned in section 8 of the said Act.

Be it therefore enacted by the said municipal council of the said city (*or as the case may be*) of (*or as the case may be*) pursuant to the provisions of *The Public Libraries' Act.*

That the mayor (*or as the case may be*) of the said municipality may borrow on the credit of the said annual library rate as aforesaid, and may issue public library debentures of the corporation to that amount in sums of not less than $100 each and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say in (*insert the manner of payment, whether in annual payments or otherwise*), such debentures to be payable at and to have attached to them coupons for the payment of interest.

That during years, the sum of shall be raised and retained annually for the payment of interest on said debentures, and also the sum of for the purpose of forming a sinking fund of per centum per annum for the payment of the principal of the said loan of in years, making in all the sum of to be raised and charged annually, as aforesaid, on the special library rate, unless the said debenture shall be sooner paid, for the purpose of paying the said sum of with interest thereon, as aforesaid. R. S. O., 1887, c. 189, sch. form C.

FORM D.

LIBRARY DEBENTURE.

No. Province of Ontario. $

(*Name of Municipality.*)

Under and by virtue of *The Public Libraries' Act, 1895*, and of by-law No. of the corporation of passed under the powers in said Act contained.

The corporation of promise to pay the bearer or in the sum of $ on the day of A.D. and the half-yearly coupons hereto attached, as the same shall severally become due.

A. B.,
Mayor (*or as the case may be*)

C. D.,
Treasurer.

[L.S.] R. S. O, 1887, c. 189, sch. form D.

No 117.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend and consolidate the Acts respecting Free Libraries and Mechanics' Institutes.

First Reading, 15th March, 1895.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 118.] **BILL.** [1895.

An Act making better provision for the Widows of Intestates in certain cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Intestates' Estates Act, 1895.*

2. The real and personal estate of every man who shall die intestate after the first day of July, 1895, leaving a widow but no issue shall, in all cases where the net value of such real and personal estate shall not exceed *$1,000*, belong to his widow absolutely and exclusively.

3. Where the net value of the real and personal estates in the preceding section mentioned shall exceed the sum of *$1,000*, the widow of such intestate shall be entitled to *$1,000*, part thereof absolutely and exclusively, and shall have a charge upon the whole of such real and personal estate for such *$1,000*, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment.

4. The provision for the widow intended to be made by this Act shall be in addition and without prejudice to her interest and share in the residue of the real and personal estate of the intestate remaining after payment of the sum of *$1,000*, in the same way as if such residue had been the whole of the intestate's real and personal estate, and this Act had not been passed.

No. 118.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act making better provision for the Widows of Intestates in certain cases.

First Reading, 15th March, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 118.] **BILL.** [1895.

An Act making better provision for the Widows of Intestates in certain cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Intestates' Estates Act, 1895.* Short title.

2. The real and personal estate of every man who shall die intestate after the first day of July, 1895, leaving a widow but no issue shall, in all cases where the net value of such real and personal estate shall not exceed *$1,000*, belong to his widow absolutely and exclusively. Widow of intestate to be entitled to whole estate when not exceeding $1,000.

3. Where the net value of the real and personal estates *of any person who shall die intestate as* in the preceding section mentioned shall exceed the sum of *$1,000*, the widow of such intestate shall be entitled to *$1,000*, part thereof absolutely and exclusively, and shall have a charge upon the whole of such real and personal estate for such *$1,000*, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment. Where estate exceeds $1,000.

4. The provision for the widow intended to be made by this Act shall be in addition and without prejudice to her interest and share in the residue of the real and personal estate of the intestate remaining after payment of the sum of *$1,000 and interest as aforesaid*, in the same way as if such residue had been the whole of the intestate's real and personal estate, and this Act had not been passed. Widow's share in remainder of estate.

No. 118.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act making better provision for the Widows of Intestates in certain cases.

First Reading, 15th March, 1895.
Second Reading, 26th March, 1895.

(Reprinted as amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 118.] **BILL.** [1895.

An Act making better provision for the Widows of Intestates in certain cases.

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1. This Act may be cited as *The Intestates' Estates Act, 1895.* Short title.

2. The real and personal estate of every man who shall die intestate after the first day of July, 1895, leaving a widow but no issue shall, in all cases where the net value of such real and personal estate shall not exceed *$1,000*, belong to his widow absolutely and exclusively. Widow of intestate to be entitled to whole estate when not exceeding $1,000.

3. Where the net value of the real and personal estate *of any person who shall die intestate as* in the preceding section mentioned shall exceed the sum of *$1,000*, the widow of such intestate shall after payment of debts, funeral and testamentary expenses and expenses of administration be entitled to *$1,000*, part thereof absolutely and exclusively, and shall have a charge upon the whole of such real and personal estate, *after payment as aforesaid*, for such *$1,000*, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment. Where estate exceeds $1,000.

4. The provision for the widow intended to be made by this Act shall be in addition and without prejudice to her interest and share in the residue of the real and personal estate of the intestate remaining after payment of the sum of *$1,000 and interest as aforesaid*, in the same way as if such residue had been the whole of the intestate's real and personal estate, and this Act had not been passed. Widow's share in remainder of estate.

No. 118.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act making better provision for the Widows of Intestates in certain cases.

First Reading, 15th March, 1895.
Second Reading, 26th March, 1895.

(Reprinted as again amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 119.] BILL. [1894.

An Act for diminishing Appeals and otherwise improving the Procedure of the Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. Commencement of Act.

1. This Act may be cited as *The Law Courts Act, 1895*, and shall go into effect on the first day of *September, 1895*, except as to those provisions which are declared thereby to go into effect immediately.

ONE APPEAL ONLY.

Only one appeal to be allowed.

2. After this Act goes into force there shall not be more than one appeal in this Province from any judgment or order made in any action or matter; save only at the instance of the Crown in a case in which the Crown is concerned; and save in certain other cases hereinafter specified.

SECURITY FOR COSTS OF APPEAL.

Security for costs not to be required unless ordered.

3. On an appeal to the Court of Appeal, or on an appeal from a single judge or from a county court or county court judge to a divisional court of the High Court, no security shall be required for costs or damages, unless such security is specially ordered by the court to which the appeal is made or a judge thereof. (*Vide Judicature Act*, sec. 71; Consol. Rules No. 804 to 811; R.S.O. c. 51, s. 108; R.S.O. c. 91, s. 31, 56; R.S.O. c. 194, s. 119; R.S.O. c. 119, s. 115.)

HIGH COURT JUDGES SITTING IN APPEAL.

Judges of High Court sitting in Court of Appeal under Rev. Stat. c. 44, s. 11.

4. In case of a judge or judges not having been chosen by the judges of the Supreme Court, as mentioned in section 11 of *The Judicature Act*, or the judge or judges chosen not being available, the senior President or Presidents of the Divisions of the High Court (as the case may be) shall be the judge or judges for the said purpose until and unless some other of the judges shall be chosen as aforesaid and be available when occasion requires

Judges selected to sit in Court of Appeal until other selection made.

5. Judges of the High Court to whom at any time shall fall the duty of sitting in the Court of Appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the Supreme Court.

Formation of two divisions of Court of Appeal.

6. In case, from the amount of business before the Court of Appeal at any time, it shall seem to the Lieutenant-Governor in Council, or to the judges as mentioned in this behalf in the section 11 of *The Judicature Act*, to be necessary and proper for the due despatch of business that the court should for a time or otherwise sit in two divisions, either at the same time or otherwise, as in and by the said section provided, a majority of the judges of the Supreme Court shall select two judges of the High Court to aid in forming the two divisional courts; and in default of their doing so, the two senior Presidents of the Divisions of the High Court shall be the judges whose duty it shall be to sit in the Court of Appeal, one in each of the two divisional courts thereof, or to procure some other judge or judges to perform the duty.

Duty in Court of Appeal to have precedence over other work of High Court judge.

7. Where a judge of the High Court is selected under section 11 or section 12 of *The Judicature Act*, or is appointed by or under this Act, to sit in the Court of Appeal, the business of the Court of Appeal shall thenceforward have precedence of all other judicial duty of such judge.

Appeals from single judge may be heard by three judges.

8. In the case of appeals from a single judge to the Court of Appeal, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge.

Procedure of Court of Appeal.

Notice of motion, setting down appeal.

9—(1) An appeal to the Court of Appeal shall be by notice of motion setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down, for the first day of the sitting of the Court of Appeal commencing after the expiration of one month from the date on which judgment has been signed. Consol. R. 849, 850.

Printed appeal books not necessary.

(2) Printed appeal books shall not be necessary; but the court appealed from or a judge thereof, or the Court of Appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal.

Cost of unnecessary printing.

(3) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary typewritten copies.

Effect of Judicial Decisions.

10.—(1) The decision of a Divisional Court of the Court of Appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the Court of Appeal and all divisional courts thereof, and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned.

Decision of divisional court of Court of Appeal to bind Court of Appeal and all divisions thereof.

(2) It shall not be competent for any court or judge in any case arising before such court or judge to disregard or depart from a prior decision of any court or judge of co-ordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court.

Decision of court of co-ordinate authority to be binding.

Divisions of the High Court.

11. The Queen's Bench, Chancery, and Common Pleas Divisions of the High Court shall not sit or give judgments as such divisions; and there shall not be divisional courts of any of the said divisions; but the divisional courts shall be divisional courts of the High Court, without reference to the said divisions.

Divisional courts to be divisional courts of High Court.

Jurisdiction of the High Court.

12. Subject to section 68 of *The Judicature Act*, an appeal shall lie to a divisional court of the High Court, instead of as heretofore provided by any statute or rule of court, in the following cases:

Appeals to a divisional court.

(1) From orders made in actions or matters in the High Court by a judge in chambers, and from orders made by the master in chambers, the master in ordinary, a local judge, a district judge, a stipendiary magistrate, or a local master (R.S.O. c. 91, s. 43);

Orders of judge in chambers, masters, local judges, etc.

(2) From the reports of masters and official referees;

Reports of masters and referees.

(3) From any judgment or order of a judge of the High Court in court;

Order of single judge.

(4) From county and district courts, as provided in *The County Courts Act* and *The Act respecting Infants*;

Under Rev. Stat. c. 47, 137.

(5) From surrogate courts or a surrogate judge, as provided in *The Surrogate Courts Act*;

Under Rev. Stat. c. 50.

(6) From division courts, as provided in *The Division Courts Act*;

Under Rev. Stat. c. 57.

From district courts under Rev. Stat. c. 91.

(7) From provisional judicial district courts, as provided in *The Unorganized Territories Act* (R.S.O. c. 91, s. 53; R.S.O. 44, s. 44);

From stipendiary magistrates under Rev. Stat. c. 91.

(8) From stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act*;

From county judge under Rev. Stat. c. 194.

(9) From a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act*, as provided in the said Act;

From county judge under Rev. Stat. c. 119.

(10) From a judge of a county court, as provided in *The Act respecting Water Privileges*;

From county judge or stipendiary magistrate under Rev. Stat. c. 120.

(11) From a judge of a county court, or stipendiary magistrate, as provided in the *Act respecting the public interests in Rivers, Streams and Creeks* (R.S.O. c. 120, s. 15);

Other matters to be heard before divisional court.

13. The following proceedings and matters shall also be heard and determined before a divisional court of the high court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court:—

When statute declares decision of court to be final.

(1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final.

Habeas corpus cases.

(2) Cases of *habeas corpus* in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court.

Applications for new trial in jury cases.

(3) Application for new trials in the High Court where the action has been tried with a jury.

By agreement of parties.

(4) Other cases where all parties agree to the same being heard before a divisional court.

Jud. Act s. 68, 69.

No Appeals from High Court.

No appeal to lie from divisional court.

14.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided.

Party appealing to divisional court not to appeal, but other parties may.

(2) In case of an appeal to a divisional court of the High Court in a case in which an appeal lies to the Court of Appeal, the party so appealing to the HighCourt shall not be entitled to afterwards appeal from the said divisional court to the Court of Appeal, but any other party to the action or matter may appeal to the Court of Appeal from the judgment or order of the divisional court.

Appeal on special leave to Court of Appeal.

(3) In other cases, an appeal shall not lie from a divisional court of the High Court to the Court of Appeal except by

special leave first obtained upon an application to such divisional court, or the judge whose judgment or order is in question, or to the Court of Appeal or a judge thereof.

Powers of court or judge on application for leave to appeal.

(4) The granting or refusing of such leave shall be in the discretion of the court or judge applied to therefor, in view of all the circumstances ; and in case of such leave being granted, such terms and conditions may be imposed as the court or judge sees fit ; but such leave shall not be granted unless, besides being in the opinion of the court or judge a proper case for the granting of the leave, the case falls within one or more of the following cases, that is to say :

Where the matter in controversy on the proposed appeal exceeds the sum or value of *$1000*, exclusive of costs ; or where the title to real estate or some interest therein or the validity of a patent is affected ; or where the matter in question relates to the taking of an annual or other rent, customary, or other duty or fee, or a like demand of a general or public nature affecting future rights ; or where the judgment or order involves a question of law or practice on which there have been conflicting decisions or opinions by the High Court of Justice, or by judges thereof ; or where a judgment or order is in regard to a matter of practice, but affects the ultimate rights of parties to the action ; or where there are other sufficient special reasons for treating the case as exceptional and allowing a further appeal.

(5) Subject to the exceptions and provisions contained in this Act, an appeal shall lie to the Court of Appeal from every judgment, order or decision of the High Court which was not itself pronounced by way of appeal, whether the judgment, order or decision was by a divisional court or of a judge in court.

Rev. Stat. c. 44, s. 62, subss. 3, 5, ss. 63, 66, 67, 69-72 repealed, and s. 44 amended.

15. Sub-sections (3) and (5) of section 62 ; sections 63, 66, 67, 69, 70, 71 and 72 of *The Judicature Act* are repealed ; and sub-section 44 is amended by striking out the clauses therein numbered 1 to 7 inclusive.

Sittings of High Court.

Divisional courts, how composed.

16. Every divisional court of the High Court shall be composed of three judges. No judge shall sit as a judge on the hearing of an appeal from any judgment or order made by himself.

Sittings of divisional courts.

17. There shall be a sitting of a divisional court of the High Court every month, except during the long vacation, and such sitting shall begin on the first Monday of the month unless the first Monday is a holiday or is in any vacation ; and in any such excepted case the sitting shall begin on the first juridical day thereafter.

(2) Every monthly sitting shall continue from day to day until all the business thereof is disposed of.

(3) The judges of the High Court or a majority of them may arrange in what order the judges of the High Court shall hold the said sittings.

(4) If no arrangement is made, or subject to any arrangement so made, the presiding judge shall wherever practicable be one of the Presidents of the High Court Divisions; and the Presidents shall preside at the said monthly sittings successively in order of their seniority; and two other judges of the High Court in rotationand in order of seniority shall be associated with one of the said Presidents in holding every such sittings. (*Vide Judicature Act*, sec. 38.)

(5) A divisional court of the High Court may sit oftener than monthly, and two or more divisional courts of the High Court may sit at the same time, whenever, in the opinion of a majority of the judges of the High Court, the same is necessary for the due dispatch of business.

(6) Nothing in this section is to be construed as preventing any judge from sitting in a divisional court by mutual arrangement, or in the absence of the judge whose turn it may be to sit; and nothing in this Act is to be construed as making irregular any sitting or any proceeding thereat by reason of the court not being constituted as hereinbefore mentioned, provided that the sitting is held by the proper number of judges.

(7) Where a judge has heard a case in a divisional court and is not present at the time of the judgment being delivered his written judgment may be read by one of the other judges of such divisional court, and shall have the same effect as if he were present. (*Judicature Act*, sec. 14.)

Entering non-jury actions for trial.

18. All non-jury actions in any county may be entered for trial at any sittings of the High Court in such county.

General docket after sittings of High Court or assize.

19. At the sittings of the High Court or assize in any county town there shall be a general docket in addition to the docket of cases entered for trial, and such general docket may include all motions, petitions, proceedings and other matters which may be heard by a judge in court or in chambers in the cases following, namely: where the solicitors consent, or where the matter in controversy arose in the county, or where the party opposing or showing cause in the matter, or his solicitor, resides in the county. Such general docket shall be disposed of after the trial of causes. R. S. O. c. 51, s. 81.

Hours for sittings.

20. No sitting for the trial of causes shall begin before nine o'clock in the forenoon, nor, except for special reasons,

extend beyond seven o'clock in the evening, with at least a half-hour's intermission at or near noon. An irregularity under this section shall not render any trial or other proceeding void.

Compulsory references.

21. In case of a compulsory reference by the judge at the trial of any action to a county judge, or to the registrar or deputy registrar or deputy clerk of the crown or local master or other officer of the court, of any matter which it would be competent for such judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the court of chancery before *The Judicature Act.* Rev. Stat. c. 44.

Rules as to sittings at Ottawa and London.

Rev. Stat. c. 44.

22. Upon the written request of a majority of the practising solicitors resident at Ottawa and London, or either of them, the judges of the High Court may by rule, passed as provided by section 107 of *The Judicature Act,* substitute monthly or semi-monthly sittings in either or both of the said cities, as the case may be, in lieu of the weekly sittings required to be held under the *Act to facilitate the Local Administration of Justice in certain cases,* passed in the 57th year of Her Majesty's reign, and chaptered 20. Every such rule may be rescinded, altered and restored like other general rules and orders.

County Courts and Local Judges.

Jurisdiction of county courts in actions for slander.

Rev. Stat. c. 44, s. 18, amended.

23. County Courts shall hereafter have cognizance of actions for slander within the same limit as other personal actions for damages and section 18 of *The County Courts Act* is amended by striking out the words "or slander." R. S. O. c. 47, s. 18.

Jurisdiction in over-holding tenant cases.

Rev. Stat. c. 144, s. 3, amended.

24. Subject to appeal as in other cases, local judges of the High Court shall have jurisdiction over all questions arising under *The Over-Holding Tenants' Act,* and the words "without color of right" in the said Act are hereby cancelled. (R.S.O., cap. 144, sec. 3).

57 V. c. 20, s. 11, sub-s. 5 (a) amended.

25. The Act intituled *An Act to facilitate the Local Administration of Justice in certain cases* is amended by inserting in the 11th section, subsection 5 (*a*) after the words "local judge" in the fourth line of such subsection the words "or when the solicitors for all parties reside in such county."

57 V. c. 20, s. 3, amended.

(2) Section 3 of the said Act is amended by striking out the words "without colour of right" wherever the same occur in said section.

57 V. c. 20, s. 5, amended.

(3) Section 5 of the said Act is amended by striking out the words "holds without colour of sight" wherever the same occur in said section and substituting therefor the words "wrongfully holds."

Junior judge not to be appointed unless population exceeds 80,000. Rev. Stat. c. 46, s. 4, amended.

26. No junior judge shall hereafter be appointed for or in any county or union of counties, unless the population of the county or union of counties exceeds eighty thousand, according to the official census then last taken, and section 4 of *The Local Courts Act* is amended by substituting the word "eighty" for the word "forty." R. S. O. c. 46, s. 4 (2).

Writs of Execution.

Renewal of writs of execution under 57 V. c. 26.

27. Nothing in the Act passed in the last session of the Ontario Legislature entitled *An Act respecting Writs of Execution* shall be construed to prevent a writ being renewed from time to time for periods of three years in the same manner as a writ of execution before the passing of the said Act was renewed from year to year. 57 V., c. 26.

Equity of redemption in stock to be liable to seizure under execution.

28. An equity of redemption in shares or dividends of a stockholder in an incorporated bank or other incorporated company in this Province having transferable joint stock shall be liable to be seized and sold under execution; and the *Act respecting Writs of Execution* is hereby amended by inserting after the words "stockholders" in the first line of section 9 of the said Act the words "or any equity of redemption in any such shares or dividends," and the following sub-section is added to section 16 of the said Act: "(2) The words 'goods and chattels' in this section mean and include shares and dividends of stockholders in any incorporated bank or other incorporated company in Ontario having transferrable joint stock." R.S.O., c. 64, ss. 9 to 16; 57 V., c. 26. *Morton* vs. *Cowan*, 25 Ont., 529.

District Courts.

Mechanics' Liens.

Enforcing mechanics liens in district courts under 53 V. c. 37.

29. The procedure for enforcing mechanics' liens where there is no county organization shall be in the district court of the district, and the Act intituled *An Act to simplify the Procedure for Enforcing Mechanics' Liens* shall be read as if in the second section thereof the words "or district" were inserted therein after the word "county," and as if in the thirty-second section the words "or district court of the district" were inserted after the word "county," and as if corresponding words were inserted in form eleven in the said Act.

Rainy River District.

District attorney for Rainy River.

30.—(1) The Lieutenant-Governor may appoint a district attorney for the district of Rainy River who shall keep his office at Rat Portage.

(2) The said district attorney shall perform in cases arising within the district of Rainy River all the duties required to be performed by county crown attorneys under and in pursu-

ance of the *Act respecting County Crown Attorneys*, or any Acts amending the same, or in pursuance of regulations made thereunder. R. S. O. c. 79. Rev. Stat. c. 79.

SOLICITORS.

Agents in county towns of solicitors residing elsewhere in county.

31. In case a solicitor resides in some part of a county other than the county town, and has not an office in the county town, he shall enter in the solicitors' and agents' book kept by the deputy registrar or local registrar the name of an agent, being a solicitor of the Supreme Court and having an office in the county town upon whom may be served all writs, pleadings, notices, orders, warrants and other documents, and written communications in relation to proceedings conducted in the office of the local master, deputy clerk, deputy registrar or local registrar of the county. (Consol. R. 33.)

Agreements between solicitor and client as to remuneration.

32.—(1) In respect to costs in civil actions as between solicitor and client, it shall (subject to the provisions hereinafter mentioned) be competent for a solicitor to make an agreement with his client, and for a client, with or without other professional assistance, to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor to such amount and in such manner as the solicitor and the client may think fit, either by a gross sum, or by commission or percentage, or by salary, or otherwise, and it shall be competent for the solicitor to accept from the client and for the client to give to the solicitor remuneration accordingly.

Agreement to be in writing.

(2) The agreement shall be in writing, signed by the persons to be bound thereby or by their agents in that behalf.

Including or excluding disbursements.

(3) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor.

Power to sue and recover on agreement, etc.

(4) The agreement may be sued and recovered on, or impeached and set aside, in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor; and if, under an order for the taxation of costs, such agreement, being relied upon by the solicitor, shall be objected to by the client as unfair and unreasonable, the taxing officer may inquire into the facts and certify the same to the court; and if, upon such certificate, it shall appear to the court or judge that just cause has been shown either for cancelling the agreement or for reducing the amount payable under the same, the court or judge shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying the order into effect, or otherwise consequential thereon, as to the court or judge may seem fit.

Meaning of "client."

(5) "Client," for the purposes of this section, includes any person who as a principal, or on behalf of another, or as trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor for his services any costs, remuneration, charges, expenses or disbursements. (*See* Impl. 44 and 45 Vict., c. 44, s. 8; Ont., 49 Vict., c. 20, s. 23, R. S. O., c. 47, s. 51.)

Counsel fees.

(6) In no case however special shall a counsel fee of more than $ per day engaged be allowed as between party and party, and a fee of that amount shall only be taxable in very special cases, and no more shall be taxable as between solicitor and client unless the same has been paid or has been agreed to in writing.

Rev. Stat. c. 147, ss. 35, 36, repealed in part.

(7) So much of the sections of the *Act respecting Solicitors* as relates to the costs of the reference are hereby repealed. R. S. O., c. 147.

Application of sections 49-52 of Rev. Stat, c. 147.

33. It is hereby declared that sections 49 to 52 of the *Act respecting Solicitors* were intended to apply and do apply to all business by solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing. (*See* 49 Vict., c. 20, sections 21-23; R. S. O., c. 147.)

Service of appointment for examination. Tender of conduct money.

34.—(1) In lieu of personal service of a subpœna on a party for his examination, service of an appointment upon his solicitors will be sufficient if made seven days before the day appointed for the examination; and the conduct money may be paid or tendered to the solicitor.

(2) In every such case the solicitor shall forthwith communicate the appointment to the party so required to attend, and shall not apply the money to any debt due to the solicitor or any other person, nor pay the same otherwise than to such party for his conduct money.

STENOGRAPHER'S CHARGES.

Fees for copies of evidence.

35. The charge to litigants for copies of evidence taken in shorthand at trials, references or otherwise, and of examinations of parties, shall be 5 cents per folio of 100 words for each copy furnished other than copies for the use of the court or a judge, instead of the charges hitherto made, which said charge of 5 cents shall go to the stenographer, but all copies required for the use of the court or a judge shall be furnished without any additional charge. To provide a fund to enable this and other reductions to be made to litigants, a fee of $1 shall be payable in stamps in every civil case entered for trial.

RULES OF COURT.

36. Subject to the provisions of this Act, there shall be the same powers of making general rules and orders with reference to the other matters of this Act as *The Judicature Act* provides for with reference to the matters therein in that behalf mentioned. (*Judicature Act*, ss. 105 to 108.) Rules of court.

37. The Lieutenant-Governor in Council may appoint some competent person or persons to devise and frame such general rules as may be necessary or useful for carrying out and giving effect to the provisions of this Act, and also if he sees fit to consolidate, or to revise and consolidate, all the rules of practice of the High Court, or of the High Court and Court of Appeal, as the case may be; and the rules so prepared, if approved by the judges of the Supreme Court or by the Lieutenant-Governor in Council, or such of the said rules as may be so approved, shall go into effect at such time as the said judges or the Lieutenant-Governor in Council shall direct. Rules made under authority of Lieutenant-Governor in Council.

ENACTMENTS REPEALED OR AMENDED BY OPERATION OF SECTION 12.

38. Sub-section 2 of section 4 of *The Local Courts Act* is amended by striking out the word "forty" and inserting the word "eighty." R.S.O., c. 46, s.s. 4 (2.) Rev. Stat. c. 46, s. 4, sub-s. 2, amended.

39. Section 18 of *The County Courts Act* is amended by striking out the words "or slander." R.S.O., c. 47, s. 18. Rev. Stat. c. 47, s. 18, amended.

(1) The following is substituted for section 41 of *The County Courts Act*:— Rev. Stat. c. 47, s. 41, repealed.

41. Any party to an action in a county court may appeal to a divisional court of the High Court of Justice from any judgment directed by a judge of the county court to be entered at or after the trial in any case tried by him either with or without a jury. Appeals to divisional courts.

2. Instead of appealing to a divisional court of the High Court of Justice either party may move before the county court within the first two days of its next quarterly sittings for a new trial or to set aside the judgment and enter any other judgment upon any ground. Motion to county court for new trial or other judgment.

3. A motion for a new trial on the ground of discovery of new evidence or the like shall be made before the county court. Moving for new trial on discovery of new evidence.

4. If a party moves before the county court under clause 2 in a case in which he might have appealed to the High Court he shall not be entitled to appeal from Party moving county court not to appeal to High Court.

the judgment of the county court to the High Court, but the opposite party shall be entitled to appeal therefrom to the High Court.

Rev. Stat. c. 47, s. 42, amended.

(2) Section 42 of the said Act is amended by striking out the words "The Court of Appeal" where those words occur in said section, and by substituting therefor the words "A divisional court of the High Court of Justice."

Rev. Stat. c. 47, s. 43, amended.

(3) Section 43 of the said Act is amended by striking out all the words after the word "thereon" in the third line thereof.

Rev, Stat., c. 47, s 44, repealed.

(4) Section 44 of said Act is repealed and the following substituted :—

Order of divisional court on appeal.

44. On an appeal the Divisional Court may set aside any judgment which may have been directed to be entered or may have been signed, and direct any other judgment to be entered or direct a new trial to be had and make any other order as to them may appear requisite and just.

Rev. Stat. c. 47, s. 51, amended.

(5) Section 51 of the said Act is amended by striking out the words "Upon the bond being so approved or the deposit being paid into court" in the first and second lines thereof; and by striking out the words "the Court of Appeal," in the third line and substituting therefor the words "the proper officer of the High Court."

Rev. Stat. c. 47, s. 52, amended.

Setting down appeals.

(6) Section 52 of the said Act is amended by striking out all the words from the beginning down to and inclusive of the word "court" in the fourth line thereof and by substituting therefor the words "The appeal shall be set down for argument at the first sittings of a divisional court of the High Court of Justice which commences after the expiration of one month from the judgment, order or decision complained of and the divisional court."

Rev. Stat. c. 47, ss. 41, 46-50 and 53 V. c. 16, repealed.

(7) Sections 41, 46, 47, 48, 49 and 50 of said Act and the Act passed in the 53rd year of Her Majesty's reign and intituled *An Act to amend the County Courts Act*, are hereby repealed. 53 Vict., c. 16.

Rev. Stat. c. 50, s. 33, amended.

40. Section 33 of *The Surrogate Courts Act* is amended by striking out the word "appeals" in the heading before said section, and by striking out the words "Court of Appeal" wherever they occur in said section, and by substituting therefor the words "a Divisional Court of the High Court" and by striking out the words "or to a single judge of such court" in the 6th and 7th lines, and the words "or judge" in the 10th line, and all the words of said section after "$200" in the 14th line. R.S.O., c. 50, s. 33.

Rev. Stat. c. 137, s. 19, amended.

41. Section 19 of the *Act respecting Infants* is amended by striking out the words "the Court of Appeal or judge

thereof" in said section, and by substituting therefore the words "a Divisional Court of the High Court of Justice." R.S.O., c. 137, s. 19.

42. Section 148 of the *Division Courts Act*, is amended by striking out the words "the Court of Appeal" wherever the same occur in said section, and substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "and the giving and perfecting of security." (R.S.O. c. 51; 51 Vict. c. 10.) Rev. Stat. c. 51, s. 148, amended.

(2) Section 149 of the said Act, and the Act passed in the year of Her Majesty's reign and intituled *An Act to amend The Division Courts Act*, are repealed. 53 Vict., c. 19. Rev. Stat. c. 51, s. 149, and 53 V. c. 19, repealed.

(3) Section 151 of the said *Division Courts Act* is amended by striking out the following words at the beginning thereof, viz: "Upon the bond being approved by the judge or the deposit being paid into court." Rev. Stat. c. 51, s. 151, repealed.

(4) Section 152 of the said Act is repealed and the following substituted:— Rev. Stat. c. 51, s. 152, repealed.

152. The appellant shall, within two weeks after the date of the decision complained of or at such other time as the judge of the said County Court may by order in that behalf provide, file the said certified copy with the proper officer of the High Court and shall thereupon forthwith set down the cause for argument at the first sittings of a Divisional Court which commences after the expiration of one month from the decision complained of, and shall forthwith give notice thereof and of the appeal and of the grounds thereof, to the respondent, his solicitor or agent, at least seven days before the commencement of such sittings; and the Divisional Court shall have power to dismiss the appeal or give any judgment and make any order which ought to have been made, and shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs to the party in its discretion, which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith. Procedure upon appeal from division court.

(5) The following words at the end of section 153 of said Act are struck out, viz: "Section 156 of *The Judicature Act* shall not apply to appeals made under this Act." Rev. Stat. c. 51, s. 153, amended.

43.—(1) Sections 31 and 34 of *The Unorganized Territories Act* is amended by striking out the words "the Court of Appeal" where the same occurs therein and substituting the words "a Divisional Court of the High Court of Justice." R. S. O. c. 44, s. 44; R. S. O. c. 47, s. 40; R. S. O. c. 91, s. 53. Rev. Stat. c. 91, ss. 31, 34, amended.

(2) Section 33 of said Act is repealed. Rev. Stat. c. 91, s. 33, repealed.

Rev. Stat. c. 119, s. 15, repealed.

44. Section 15 of the *Act respecting Water Privileges* is repealed and the following substituted :—

Appeal from county judge to divisional court.

15, Subject to the provisions hereinafter contained, there shall be an appeal from the final order or judgment of the County Judge on any application under this Act, to a Divisional Court of the High Court of Justice ; the decision of the County Judge upon a question of fact or other question shall be open to revision on such appeal.

Rev. Stat. c. 119, s. 16, amended.

(2) Section 16 of said Act is amended by striking out the word "said" in the second line thereof and substituting therefor the word "High." R. S. O. c. 119.

Rev. Stat. c. 119, s. 18, amended.

(3) Section 18 of said Act is amended by striking out the words "or Judge" in the second line thereof.

Rev. Stat. c. 194, s. 119, amended.

45. Section 119 of *The Liquor License Act* is amended by striking out the words "the Court of Appeal" in the second line thereof, and by substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "Registrar of the Court of Appeal" in the 19th and 20th lines of said section and substituting the words "proper officer of the High Court of Justice." R. S. O. c. 194.

Rev. Stat. c. 120, s. 15, repealed.

46. Section 15 of the *Act for Protecting the Public Interest in Rivers, Streams and Creeks* is hereby repealed and the following substituted therefor :—

Appeal to divisional court.

15. In case a party interested is dissatisfied with the order or judgment of the judge or stipendiary magistrate, he may within 15 days from the date thereof appeal from the order or judgment to a Divisional Court of the High Court; and a judge of the said court shall determine the time within which the appeal shall be set down to be heard, the security (if any) to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal. R. S. O. c. 120.

Rev. Stat. c. 120, s. 17, amended.

(2) Section 17 of said Act is amended by striking out the words "Judge to whom" in the second line and substituting the words "Court to which," and by striking out the words, "the Judge to whom the appeal is made" in the third and fourth lines and substituting the words "a Judge of the High Court as aforesaid be."

APPLICATION OF THIS ACT.

Act incorporated with Rev. Stat. c. 44, and other Acts.

47. This Act shall be read as part of *The Judicature Act* and the Acts amending the same, so far as this Act affects any of the provisions of the said Act or Acts ; and shall also be read as part of the several other Acts hereinbefore mentioned, so far as this Act affects any of the provisions of the said several other Acts.

No. 119.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for diminishing Appeals and otherwise improving the Procedure of the Courts.

1st Reading, 15th March, 1895.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 119.] BILL. [1894.

An Act for diminishing Appeals and otherwise improving the Procedure of the Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. Commencement of Act.

1. This Act may be cited as *The Law Courts Act, 1895*, and shall go into effect on such day not before the first day of September, 1895, as the Lieutenant-Governor in Council may by order in council appoint.

ONE APPEAL ONLY.

Only one appeal to be allowed.

2. After this Act goes into force there shall not be more than one appeal in this Province from any judgment or order made in any action or matter; save only at the instance of the Crown in a case in which the Crown is concerned; and save in certain other cases hereinafter specified.

SECURITY FOR COSTS OF APPEAL.

Security for costs not to be required unless ordered.

3. On an appeal to the Court of Appeal, from any court or judge, or on an appeal from a single judge or from a county court or county court judge to a divisional court of the High Court, no security shall be required for costs or damages, unless such security is specially ordered by the court to which the appeal is made or a judge thereof. (*Vide Judicature Act*, sec. 71; Consol. Rules No. 804 to 811; R.S.O. c. 51, s. 108; R.S.O. c. 91, s. 31, 56; R.S.O. c. 194, s. 119; R.S.O. c. 119, s. 115.)

HIGH COURT JUDGES SITTING IN APPEAL.

Judges of High Court sitting in Court of Appeal under Rev. Stat. c. 44, s. 11.

4. In case of judges not having been chosen by the judges of the Supreme Court, as mentioned in section 11 of *The Judicature Act*, or *in case* the judge or judges chosen not being available, the senior President of *one of* the Divisions of the High Court shall sit in the Court of Appeal where one judge only is needed for the High Court, the two senior Presidents where two are needed, and the three Presidents where three judges are needed. Any other judge of the High

Court may sit in the place of one of the Presidents by arrangement between such other judge and the President whose duty it is to sit as aforesaid.

Duty in Court of Appeal to have precedence over other work of High Court judge.

5. Where a judge of the High Court is selected under section 11 or section 12 of *The Judicature Act*, or is appointed by or under this Act, to sit in the Court of Appeal, the business of the Court of Appeal shall thenceforward have precedence of all other judicial duty of such judge.

Appeals from single judge may be heard by three judges.

6. In the case of appeals from a single judge, sitting in court or otherwise, to the Court of Appeal, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge.

Judges selected to sit in Court of Appeal until other selection made.

7. Judges of the High Court to whom at any time shall fall the duty of sitting in the Court of Appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the Supreme Court.

PROCEDURE OF COURT OF APPEAL.

Notice of motion, setting down appeal.

8.—(1) An appeal to the Court of Appeal shall be by notice of motion setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down, for the first day of the sitting of the Court of Appeal commencing after the expiration of one month from the date on which judgment has been signed, or for such later day in any case as the Court of Appeal or a judge thereof may allow. The notice shall be served within one month after the judgment complained of, or within such further time as the Court of Appeal or a judge thereof may allow. *Jud. Act*, s. 91.

(2) In cases of such notice of appeal being so given and the appeal set down as aforesaid, the execution of the judgment appealed from shall be stayed pending the appeal, unless otherwise ordered by the court or judge appealed from or by the court to which the appeal is made or a judge thereof; and the order may be on such terms as the court or judge applied to thinks fit. *Judicature Act*, sec. 71; Consolidated Order 204.

Printed appeal books not necessary.

(3) Printed appeal books shall not be necessary; but the court appealed from or a judge thereof, or the Court of Appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal.

Cost of unnecessary printing.

(4) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary typewritten copies.

Effect of Judicial Decisions.

Decision of divisional court of Court of Appeal to bind Court of Appeal and all divisions thereof.

9.—(1) The decision of a Divisional Court of the Court of Appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the Court of Appeal and all divisional courts thereof, as well as on all other courts and judges, and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned.

Decision of court of co-ordinate authority to be binding.

(2) It shall not be competent for *the High* Court or *any* judge *thereof* in any case arising before such court or judge to disregard or depart from a prior *known* decision of any court or judge of co-ordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court.

Divisions of the High Court.

Divisional courts to be divisional courts of High Court.

10. The Queen's Bench, Chancery, and Common Pleas Divisions of the High Court shall not sit or give judgments as such divisions, (except for the purposes of the Criminal Code, 1892,) and there shall not be divisional courts of any of the said divisions; but the divisional courts shall be divisional courts of the High Court, without reference to the said divisions. (Criminal Code, 1892, s. 3, sub-sec. 1 (e(i)); *ib.* s. 742.)

Jurisdiction of the High Court.

Appeals to a divisional court.

11. Subject to section 68 of *The Judicature Act*, an appeal shall lie to a divisional court of the High Court, instead of as heretofore provided by any statute or rule of court, in the following cases:

Orders of judge in chambers, masters, local judges, etc.

(1) From [*judgments or*] orders made in actions or matters in the High Court by a judge in chambers, and from [*judgments or*] orders made by the master in chambers, the master in ordinary, a local judge, a district judge, a stipendiary magistrate, or a local master (R.S.O. c. 91, s. 43);

Reports of masters and referees.

(2) From the reports of masters and official referees;

Order of single judge.

(3) From any judgment or order of a judge of the High Court in court;

Under Rev. Stat. c. 47,137.

(4) From county and district courts, as provided in *The County Courts Act*;

Under Rev. Stat. c. 50.

(5) From surrogate courts or a surrogate judge, as provided in *The Surrogate Courts Act*;

Under Rev. Stat. c. 57.

(6) From division courts, as provided in *The Division Courts Act* and *The Act respecting Infants*;

From district courts under Rev. Stat. c. 91.

(7) From provisional judicial district courts, as provided in *The Unorganized Territories Act* (R.S.O. c. 91, s. 53; R.S.O. 44, s. 44);

From stipendiary magistrates under Rev. Stat. c. 91.

(8) From stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act*;

From county judge under Rev. Stat. c. 194.

(9) From a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act*, as provided in the said Act;

From county judge under Rev. Stat. c. 119.

(10) From a judge of a county court, as provided in *The Act respecting Water Privileges*;

From county judge or stipendiary magistrate under Rev. Stat. c. 120.

(11) From a judge of a county court, or stipendiary magistrate, as provided in the *Act respecting the public interests in Rivers, Streams and Creeks* (R.S.O. c. 120, s. 15);

(12) From a judge of a county court as provided by *The Act respecting Over-holding Tenants.* (R.S.O. c. 144, s. 6.)

Other matters to be heard before divisional court.

12. The following proceedings and matters shall also be heard and determined before a divisional court of the high court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court:—

When statute declares decision of court to be final.

(1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final.

Habeas corpus cases.

(2) Cases of *habeas corpus* in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court.

Applications for new trial in jury cases.

(3) Application for new trials in the High Court where the action has been tried with a jury.

By agreement of parties.

(4) Other cases where all parties agree to the same being heard before a divisional court.

Jud. Act s. 68, 69; *re* Wilson, 30 C. L. J., 399 A.

No Appeals from High Court.

No appeal to lie from divisional court.

13.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided.

Party appealing to divisional court not to appeal, but other parties may.

(2) In case after this Act goes into effect, a party appeals to a divisional court of the High Court in a case in which an appeal lies to the Court of Appeal, the party so appealing to the High Court shall not be entitled to afterwards appeal from the said divisional court to the Court of Appeal, but any other party to the action or matter may appeal to the Court of Appeal from the judgment or order of the divisional court.

(3) In other cases, an appeal to the Court of Appeal shall not lie to a divisional court pronounced on an appeal to such High Court except by special leave first obtained upon an application to such divisional court, or the judge whose judgment or order is in question, or to the Court of Appeal or a judge thereof. Appeal on special leave to Court of Appeal.

(4) The granting or refusing of such leave shall be in the discretion of the court or judge applied to therefor, in view of all the circumstances ; and in case of such leave being granted, such terms and conditions may be imposed as the court or judge sees fit ; but such leave shall not be granted unless, besides being in the opinion of the court or judge a proper case for the granting of the leave, the case falls within one or more of the following cases, that is to say : Powers of court or judge on application for leave to appeal.

Where the matter in controversy on the proposed appeal exceeds the sum or value of *$1000*, exclusive of costs ; or involves indirectly or otherwise that sum or value ; or *involves* the validity of a patent; or where the judgment or order involves a question of law or practice on which there have been conflicting decisions or opinions by the High Court of Justice, or by judges thereof ; or where a judgment or order is in regard to a matter of practice, but affects the ultimate rights of parties to the action *to the extent of* the said sum or value ; or where there are other sufficient special reasons for treating the case as exceptional and allowing a further appeal.

14. Subject to the exceptions and provisions contained in this Act, an appeal shall lie to the Court of Appeal from every judgment, order or decision of the High Court whether the judgment, order or decision was *that of* a divisional court or of a judge in court, and including cases tried with a jury where the appellant complains of the judgment and asks in the alternative for a new trial.

Sittings of High Court.

15. Every divisional court of the High Court shall be composed of three judges. No judge shall sit as a judge on the hearing of an appeal from any judgment or order made by himself. Divisional courts, how composed.

16. There shall be a sitting of a divisional court of the High Court every month, except during the long vacation, and such sitting shall begin on the first Monday of the month unless the first Monday is a holiday or is in any vacation : and in any such excepted case the sitting shall begin on the first juridical day thereafter. Sittings of divisional courts.

(2) Every monthly sitting shall continue from day to day until all the business thereof is disposed of.

(3) The judges of the High Court or a majority of them may arrange in what order the judges of the High Court shall hold the said sittings.

(4) If no arrangement is made, or subject to any arrangement so made, the presiding judge shall wherever practicable be *a* President of *one of* the Divisions *of the High Court*; and the Presidents shall preside at the said monthly sittings successively in order of their seniority; and two other judges of the High Court in rotationand in order of seniority shall be associated with one of the said Presidents in holding every such sittings. (*Vide Judicature Act*, sec. 38.)

(5) A divisional court of the High Court may sit oftener than monthly, and two or more divisional courts of the High Court may sit at the same time, whenever, in the opinion of a majority of the judges of the High Court, the same is necessary for the due dispatch of business.

(6) Nothing in this section is to be construed as preventing any judge from sitting in a divisional court by mutual arrangement, or in the absence of the judge whose turn it may be to sit; and nothing in this Act is to be construed as making irregular any sitting or any proceeding thereat by reason of the court not being constituted as hereinbefore mentioned, provided that the sitting is held by the proper number of judges.

(7) Where a judge has heard a case in a divisional court and is not present at the time of the judgment being delivered his written judgment may be read by one of the other judges of such divisional court, and shall have the same effect as if he were present. (*Judicature Act*, sec. 14.)

SITTINGS FOR TRIALS.

Entering non-jury actions for trial.

17. All non-jury actions in any county may be entered for trial at any sittings of the High Court in such county, except in the county of York.

General docket after sittings of High Court or assize.

18. At the sittings of the High Court or assize in any county town there shall be a general docket in addition to the docket of cases entered for trial, and such general docket may include all motions, petitions, proceedings and other matters which may be heard by a judge in court or in chambers in the cases following, namely: where the solicitors consent, or where the matter in controversy arose in the county, or where the party opposing or showing cause in the matter, or his solicitor, resides in the county. Such general docket shall be disposed of after the trial of causes. R. S. O. c. 51, s. 81.

Hours for sittings.

19. No sitting for the trial of causes shall begin before nine o'clock in the forenoon, nor, except for special reasons,

extend beyond seven o'clock in the evening, with at least a half-hour's intermission at or near noon. An irregularity under this section shall not render any trial or other proceeding void.

Compulsory references.

20. In case of a reference by the judge at the trial of any action to a county judge, or to the registrar or deputy registrar, deputy clerk of the crown, local master or other officer of the court, *paid wholly or partly by salary*, of any matter which it would be competent for such judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the court of chancery before *The Judicature Act*.

Rev. Stat. c. 44.

21. Every action in the High Court shall be tried in the county in which the cause or action arises in case all the parties to such action reside in that county, provided always that a judge of the High Court may, on application by either party to the action, and for good cause shown, order the action to be tried in another county, on such terms as to him may seem proper.

WEEKLY SITTINGS AT OTTAWA AND LONDON.

Rules as to sittings at Ottawa and London.

22. Upon the written request of a majority of the practising solicitors resident at Ottawa and London, or either of them, the judges of the High Court may by rule, passed as provided by section 107 of *The Judicature Act*, substitute monthly or semi-monthly sittings in either or both of the said cities, as the case may be, in lieu of the weekly sittings required to be held under the *Act to facilitate the Local Administration of Justice in certain cases*, passed in the 57th year of Her Majesty's reign, and chaptered 20. Every such rule may be rescinded, altered and restored like other general rules and orders.

Rev. Stat. c. 44.

COUNTY COURTS AND LOCAL JUDGES.

Jurisdiction in over-holding tenant cases.

Rev. Stat. c. 144, s. 3, amended.

23. Subject to appeal as in other cases, local judges of the High Court shall have jurisdiction over all questions arising under *The Over-Holding Tenants' Act*, and the words "without color of right" in the said Act are hereby cancelled. (R.S.O., cap. 144, sec 3).

57 V. c. 20, s. 3, amended.

(2) Section 3 of the said Act is amended by striking out the words "without colour of *right*" wherever the same occur in said section.

57 V. c. 20, s. 5, amended.

(3) Section 5 of the said Act is amended by striking out the words "holds without colour of *right*" wherever the same occur in said section and substituting therefor the words "wrongfully holds."

57 V. c. 20, s. 11, sub-s. 5 (a) amended.

24. The Act intituled *An Act to facilitate the Local Administration of Justice in certain cases* is amended by inserting

in the 11th section, subsection 5 (*a*) after the words "local judge" in the fourth line of such subsection the words "or when the solicitors for all parties reside in such county."

24*a*. In case of an order being made by any authority other than that of a judge of the High Court for payment of money out of court, the accountant before acting thereon shall apply to a judge of the High Court for his approval, which he may manifest by signing his initials to the order with or without any other words, and before approving the high court judge, if he sees occasion, may call for any of the papers in the cause, or if necessary require the solicitor who obtained the order, or his agent, to attend before such judge to give any explanation or information the judge may think necessary.

Junior judge not to be appointed unless population exceeds 80,000. Rev. Stat. c. 46, s. 4, amended.

25. No junior judge shall hereafter be appointed for or in any *district*, county or union of counties, unless the population of the *district*, county or union of counties exceeds eighty thousand, according to the official census then last taken, and section 4 of *The Local Courts Act* is amended by substituting the word "eighty" for the word "forty." R. S. O., c. 46, s. 4 (2).

26. The person hereafter appointed to be a judge of a county court shall be a barrister of at least ten years' standing at the bar of Ontario; and section 3 of *The Local Courts Act* is amended by substituting the word "ten" for the word "five."

27. Service out of the jurisdiction of a writ of summons or notice of a writ of summons or other document by which a matter or proceeding is commenced may be allowed by the court or a judge where the action is not for any matter within any of the classes for which service out of the jurisdiction is now provided, but if it appears to the satisfaction of court or judge that the plaintiff has a good cause of action against the defendant upon a contract or judgment and that the defendant has assets in Ontario of the value of $200 at least, which may be rendered liable to the judgment in case the plaintiff should recover in the action; and if the defendant does not appear the court or a judge is to give any directions which the court or judge from time to time see fit as to the manner of proceeding in the action and the conditions on which the same may be proceeded with, and shall require the plaintiff before obtaining judgment to prove his claim and the amount of debt or damages claimed by him in the action, either before a

judge or jury upon an assessment in the usual mode, or in such other mode, having regard to the nature of the case, as the court or judge may direct. R. S. O., c. 50, s. 51, (1877).

28. The 19th of the Surrogate Rules adopted by the judges of the Supreme Court of Judicature for Ontario is hereby limited to cases in which a party interested in an estate takes proceedings to obtain such inventory and accounting as therein mentioned, or in which infants are interested in such inventory and accounting. *See* 57 V. c. 22, s. 3.

Writs of Execution.

Renewal of writs of execution under 57 V. c. 26.

29. Notwithstanding anything contained in the Act passed in the last session of the Ontario Legislature entitled *An Act respecting Writs of Execution*, a writ *may be* renewed from time to time for periods of three years in the same manner as a writ of execution before the passing of the said Act was renewed from year to year; and the word "four" is hereby substituted for the word "two" in sub-section 6 of section 53 of *The Land Titles Act*, such substitutions to take effect from the first day of January, 1895, except as to any instruments which have heretofore been lodged for registration under the said *Land Titles Act*. 57 V. c. 26; R. S. O., c. 116, s. 53, sub-s. 6.

Equity of redemption in stock to be liable to seizure under execution.

30. An equity of redemption in shares or dividends of a stockholder in an incorporated bank or other incorporated company in this Province having transferable joint stock shall be liable to be seized and sold under execution; and the *Act respecting Writs of Execution* is hereby amended by inserting after the words "stockholders" in the first line of section 9 of the said Act the words "or any equity of redemption in any such shares or dividends," and the following sub-section is added to section 16 of the said Act: "(2) The words 'goods and chattels' in this section mean and include shares and dividends of stockholders in any incorporated bank or other incorporated company in Ontario having transferrable joint stock." R.S.O., c. 64, ss. 9 to 16; 57 V., c. 26. *Morton* vs. *Cowan*, 25 Ont., 529.

District Courts.

Mechanics' Liens.

Enforcing mechanics liens in district courts under 53 V. c. 37.

31. The procedure for enforcing mechanics' liens where there is no county organization shall be in the district court of the district, and the Act intituled *An Act to simplify the Procedure for Enforcing Mechanics' Liens* shall be read as if in the second section thereof the words "or district" were inserted therein after the word "county," and as if in the thirty-second section the words "or district court of the district" were inserted after the word "county," and as if corresponding words were inserted in form eleven in the said Act.

Rainy River District.

District attorney for Rainy River.

32.—(1) The Lieutenant-Governor may appoint a district attorney for the district of Rainy River who shall keep his office at Rat Portage.

(2) The said district attorney shall perform in cases arising within the district of Rainy River all the duties required to be performed by county crown attorneys under and in pursuance of the *Act respecting County Crown Attorneys*, or any Acts amending the same, or in pursuance of regulations made thereunder. R. S. O. c. 79.

33. The goal or lock-up at Sudbury shall be a goal for Nipissing and Algoma.

SOLICITORS.

Agents in county towns of solicitors residing elsewhere in county.

34. In case a solicitor resides in some part of a county other than the county town, and has not an office in the county town, he *may* enter in the solicitors' and agents' book kept by the deputy registrar, *deputy clerks of the Crown* or local registrar the name of an agent, being a solicitor of the Supreme Court and having an office in the county town upon whom may be served all writs, pleadings, notices, orders, warrants and other documents, and written communications in relation to proceedings conducted in the office of the local master, deputy clerk, deputy registrar or local registrar of the county.

Rev. Stat. c. 147, ss. 35, 36 repealed in part.

35. So much of the *35th and 36th* sections of the *Act respecting Solicitors* as relate to the costs of the reference are hereby repealed, and such costs shall hereafter be in the discretion of the court or judge or of the taxing officers subject to appeal. R. S. O., c. 147.

Application of sections 49-52 of Rev. Stat., c. 147.

36. It is hereby declared that sections 49 to 52 of the *Act respecting Solicitors* were intended to apply and do apply to all business by solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing. (*See* 49 Vict., c. 20, sections 21-23; R. S. O., c. 147.)

Service of appointment for examination. Tender of conduct money.

37.—(1) In lieu of personal service of a subpœna on a party for his examination, service of an appointment upon his solicitors will be sufficient if made seven days before the day appointed for the examination; and the conduct money may be paid or tendered to the solicitor.

(2) In every such case the solicitor shall forthwith communicate the appointment to the party so required to attend, and shall not apply the money to any debt due to the solicitor or any other person, nor pay the same otherwise than to such party for his conduct money, nor shall the same be liable to be attached.

(3) Notwithstanding anything in this section hereinbefore contained, the party to be examined may be served personally with a subpœna as heretofore, in case the party desiring the examination so chooses.

STENOGRAPHER'S CHARGES.

38.—(1) To provide a fund to enable a reduction to be made to litigants for copies of evidence taken in shorthand at trials or references, a fee of $1 shall be paid in every civil case entered for trial to the officer of the court who enters the same, and the latter shall keep a list of such causes duly entered in a book *to be kept* for the purpose, and shall within 48 hours after the closing of the sittings of the court make a return to the officer to be appointed for that purpose by the Lieutenant-Governor in Council of the actions so entered for trial, and of the money so paid thereon, and shall certify that the sum therewith returned is the full amount so paid to him on account of the cases entered at such sittings. The said last named officer shall keep an account thereof in a book to be kept for the purpose under the head of Shorthand Reporter's Fund, and the same shall be paid out and applied in connection with such reporting in such manner as the Lieutenant-Governor in Council may from time to time by order provide.

(2) The Lieutenant-Governor in Council may make rules and regulations fixing the fees and charges of and payments to special examiners and stenographers and others entitled to take examinations for taking examinations for discovering or cross-examinations in the High Court and County Court, and for copies of such examinations or cross-examinations.

RULES OF COURT.

Rules of court.

39. Subject to the provisions of this Act, there shall be the same powers of making general rules and orders with reference to the matters *in* this Act *mentioned* as *The Judicature Act* provides for with reference to the matters therein in that behalf mentioned. (*Judicature Act*, ss. 105 to 108.)

Rules made under authority of Lieutenant-Governor in Council.

40. The Lieutenant-Governor in Council may appoint some competent person or persons to devise and frame such general rules as may be necessary or useful for carrying out and giving effect to the provisions of this Act, and also if he sees fit to consolidate, or to revise and consolidate, all the rules of practice of the High Court, or of the High Court and Court of Appeal, as the case may be; and the rules so prepared, if approved by the judges of the Supreme Court or by the Lieutenant Governor in Council, or such of the said rules as may be so approved, shall go into effect at such time as the said judges or the Lieutenant-Governor in Council shall direct.

ENACTMENTS REPEALED OR AMENDED.

Rev. Stat. c. 44, s. 62, subss. 3, 5, ss. 44, 63, 66, 67, 69-72 repealed.

40*a*. Sub-sections (3) and (5) of section 62; sections 44, 63, 66, 67, 69, 70, 71 and 72 of *The Judicature Act* are repealed.

Rev. Stat. c. 47, s. 18, amended.

41. Sub-section 2 of section 4 of *The Local Courts Act* is amended by striking out the word "forty" and inserting the word "eighty." R.S.O., c. 46, s.s. 4 (2.)

Rev. Stat. c. 47, s. 41, repealed.

42.—(1) The following is substituted for section 41 of *The County Courts Act* :—

Appeals to divisional courts.

1. Any party to an action in a county court may appeal to a divisional court of the High Court of Justice from any judgment directed by a judge of the county court to be entered at or after the trial in any case tried by him either with or without a jury.

Motion to county court for new trial or other judgment.

2. Instead of appealing to a divisional court of the High Court of Justice either party may move before the county court within the first two days of its next quarterly sittings for a new trial or to set aside the judgment and enter any other judgment upon any ground.

Moving for new trial on discovery of new evidence.

3. A motion for a new trial on the ground of discovery of new evidence or the like shall be made before the county court.

Party moving county court not to appeal to High Court.

4. If a party moves before the county court under clause 2 in a case in which he might have appealed to the High Court he shall not be entitled to appeal from the judgment of the county court to the High Court, but the opposite party shall be entitled to appeal therefrom to the High Court.

Rev. Stat. c. 47, s. 42, amended.

(2) Section 42 of the said Act is amended by striking out the words "The Court of Appeal" where those words occur in said section, and by substituting therefor the words "A divisional court of the High Court of Justice."

Rev. Stat. c. 47, s. 43, amended.

(3) Section 43 of the said Act is amended by striking out all the words after the word "thereon" in the third line thereof.

Rev, Stat., c. 47, s 44, repealed.

(4) Section 44 of said Act is repealed and the following substituted :—

Order of divisional court on appeal.

44. On an appeal the Divisional Court may set aside any judgment which may have been directed to be entered or may have been signed, and direct any other judgment to be entered or direct a new trial to be had and make any other order as to them may appear requisite and just.

Rev. Stat. c. 47, s. 52, amended.

(5) Section 51 of the said Act is amended by striking out the words "Upon the bond being so approved or the deposit being paid into court" in the first and second lines thereof ; and by striking out the words "the Court of Appeal," in the third line and substituting therefor the words "the proper officer of the High Court."

(6) Section 52 of the said Act is amended by striking out all the words from the beginning down to and inclusive of the word "court" in the fourth line thereof and by substituting therefor the words "The appeal shall be set down for argument at the first sittings of a divisional court of the High Court of Justice which commences after the expiration of one month from the judgment, order or decision complained of and the divisional court." Rev. Stat. c. 47, s. 51, amended. Setting down appeals.

(7) Sections 41, 46, 47, 48, 49 and 50 of said Act and the Act passed in the 53rd year of Her Majesty's reign and intituled *An Act to amend the County Courts Act*, are hereby repealed. 53 Vict., c. 16. Rev. Stat. c. 47, ss. 41, 46-50 and 53 V. c. 16, repealed.

43. Section 33 of *The Surrogate Courts Act* is amended by striking out the word "appeals" in the heading before said section, and by striking out the words "Court of Appeal" wherever they occur in said section, and by substituting therefor the words "a Divisional Court of the High Court" and by striking out the words "or to a single judge of such court" in the 6th and 7th lines, and the words "or judge" in the 10th line, and all the words of said section after "$200" in the 14th line. R.S.O., c. 50, s. 33. Rev. Stat. c. 50, s. 33, amended.

44. Section 19 of the *Act respecting Infants* is amended by striking out the words "the Court of Appeal or judge thereof" in said section, and by substituting therefore the words "a Divisional Court of the High Court of Justice." R.S.O., c. 137, s. 19. Rev. Stat. c. 137, s. 19, amended.

45. Section 148 of the *Division Courts Act*, is amended by striking out the words "the Court of Appeal" wherever the same occur in said section, and substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "and the giving and perfecting of security." (R.S.O. c. 51; 51 Vict. c. 10.) Rev. Stat. c. 51, s. 148, amended.

(2) Section 149 of the said Act, and the Act passed in the *53rd* year of Her Majesty's reign and intituled *An Act to amend The Division Courts Act*, are repealed. 53 Vict., c. 19. Rev. Stat. c. 51, s. 149, and 53 V. c. 19, repealed.

(3) Section 151 of the said *Division Courts Act* is amended by striking out the following words at the beginning thereof, viz: "Upon the bond being approved by the judge or the deposit being paid into court." Rev. Stat. c. 51, s. 151, repealed.

(4) Section 152 of the said Act is repealed and the following substituted *therefor*:— Rev. Stat. c. 51, s. 152, repealed.

152. The appellant shall, within two weeks after the date of the decision complained of or at such other time as the judge of the said County Court may by order in that behalf provide, file the said certified copy with the proper officer of the High Court and shall thereupon forthwith set down the cause for argument at the first sittings of a Divisional Court which Procedure upon appeal from division court.

commences after the expiration of one month from the decision complained of, and shall give notice thereof and of the appeal and of the grounds thereof, to the respondent, his solicitor or agent, at least seven days before the commencement of such sittings; and the Divisional Court shall have power to dismiss the appeal or *to* give any judgment and make any order which ought to have been made, and shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs in its discretion which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith.

Rev. Stat. c. 51, s. 153, amended.

(5) The following words at the end of section 153 of said Act are struck out, viz: "Section 156 of *The Judicature Act* shall not apply to appeals made under this Act."

Rev. Stat. c. 91, ss. 31, 34, amended.

46.—(1) Sections 31 and 34 of *The Unorganized Territories Act are* amended by striking out the words "the Court of Appeal" where the same occur therein and substituting the words "a Divisional Court of the High Court of Justice." R. S. O. c. 44, s. 44; R. S. O. c. 47, s. 40; R. S. O. c. 91, s. 53.

Rev. Stat. c. 91, s. 33, repealed.

(2) Section 33 of said Act is repealed.

Rev. Stat. c. 119, s. 15, repealed.

47. Section 15 of the *Act respecting Water Privileges* is repealed and the following substituted:—

Appeal from county judge to divisional court.

15. Subject to the provisions hereinafter contained, there shall be an appeal from the final order or judgment of the County Judge on any application under this Act, to a Divisional Court of the High Court of Justice; the decision of the County Judge upon a question of fact or other question shall be open to revision on such appeal.

Rev. Stat. c. 119, s. 16, amended.

(2) Section 16 of said Act is amended by striking out the word "said" in the second line thereof and substituting therefor the word "High." R. S. O. c. 119.

Rev. Stat. c. 119, s. 18, amended.

(3) Section 18 of said Act is amended by striking out the words "or Judge" in the second line thereof.

Rev. Stat. c. 194, s. 119, amended.

48. Section 119 of *The Liquor License Act* is amended by striking out the words "the Court of Appeal" in the second line thereof, and by substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "Registrar of the Court of Appeal" in the 19th and 20th lines of said section and substituting the words "proper officer of the High Court of Justice." R. S. O. c 194

Rev. Stat. c. 120, s. 15, repealed.

49. Section 15 of the *Act for Protecting the Public Interest in Rivers, Streams and Creeks* is hereby repealed and the following substituted therefor:—

15. In case a party interested is dissatisfied with the order or judgment of the judge or stipendiary magistrate, he may within 15 days from the date thereof appeal from the order or judgment to a Divisional Court of the High Court; and a judge of the said court shall determine the time within which the appeal shall be set down to be heard, the security (if any) to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal. R. S. O. c. 120. Appeal to divisional court.

(2) Section 17 of said Act is amended by striking out the words "Judge to whom" in the second line and substituting the words "Court to which," and by striking out the words, "the Judge to whom the appeal is made" in the third and fourth lines and substituting the words "a Judge of the High Court as aforesaid be." Rev. Stat. c. 120, s. 17, amended.

APPLICATION OF THIS ACT.

50. This Act shall be read as part of *The Judicature Act* and the Acts amending the same, so far as this Act affects any of the provisions of the said Act or Acts; and shall also be read as part of the several other Acts hereinbefore mentioned, so far as this Act affects any of the provisions of the said several other Acts. Act incorporated with Rev. Stat. c. 44, and other Acts.

No. 119.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for diminishing Appeals and otherwise improving the Procedure of the Courts.

1st Reading, 15th March, 1895.
2nd Reading, 28th March, 1895.

(*Reprinted as amended in Committee of the Whole.*)

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 120.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of certain provisions as to statute labor in 55 V. c. 48, extended.

1. All the provisions of *The Consolidated Assessment Act 1892*, relating to statute labor in townships shall apply to and be in force hereafter in incorporated villages if not more than two thousand inhabitants.

No. 120.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 18th March, 1895.

Mr. Reid,
(Addington).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 121] **BILL.** [1895.

An Act respecting certain County Drainage Works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issuing debentures for completion of county drainage works commenced before 57 V. c. 56.

1. Notwithstanding anything contained in *The Drainage Act, 1894*, any by-law passed prior to the date of the said Act taking effect, by the council of any county or union of counties, for the assessment of the cost of any drainage work upon the lands and roads liable to contribute therefor which has been acted upon by the doing of the work in whole or in part, and which does not provide sufficient funds to complete the drainage work, or the share of the said county or union of counties in the cost thereof, or does not provide sufficient funds for the redemption of the debentures issued under such by-law, as they become payable, may from time to time be amended by the council and further debentures issued under the amending by-law in order to fully carry out the intention of the original by-law, provided that every such drainage work shall, when fully completed, be maintained as provided in section 70 of the said *The Drainage Act, 1894*. 57 V. c. 56.

Publication of by-law.

Rev. Stat. c. 37 to apply to debentures.

2. It shall be in the discretion of the council whether such amending by-law shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the preceding section, which shall hereafter be purchased by direction of the Lieutenant-Governor in Council.

No. 121.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting certain County Drainage Works.

First Reading, 18th March, 1895.

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 121.] **BILL.** [1895.

An Act respecting certain County Drainage Works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issuing debentures for completion of county drainage works commenced before 57 V. c. 56.

1. Notwithstanding anything contained in *The Drainage Act, 1894*, any by-law passed prior to the *time when* the said Act *took* effect, by the council of any county or union of counties for the assessment of the cost of any drainage work upon the lands and roads liable to contribute therefor which has been acted upon by the doing of the work in whole or in part and which does not provide sufficient funds to complete the drainage work, or the share of the said county or union of counties in the cost thereof, or does not provide sufficient funds for the redemption of the debentures issued under such by-law, as they became payable, may from time to time be amended by the council and further debentures issued under the amending by-law in order to fully carry out the intention of the original by-law, provided that every such drainage work shall, when fully completed, be maintained as provided in section 70 of the said *The Drainage Act, 1894*. 57 V. c. 56.

Publication of by-law.

Rev. Stat. c. 37 to apply to debentures.

2. It shall be in the discretion of the council whether such amending by-law shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the preceding section, which shall hereafter be purchased by direction of the Lieutenant-Governor in Council.

57 V. c. 56, s. 105 repealed.

3. Section 105 of *The Drainage Act, 1894*, is repealed, and the following substituted therefor:

Evidence taken before referee need not be filed or written out.

105. In cases brought before the referee in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed, and shall only be written out at length by the shorthand writer, if required by the referee or by any parties to the reference, and if required by any of the parties to the reference, copies shall be furnished upon such terms as shall be fixed by the Lieutenant-Governor in Council.

No. 121.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act respecting certain County Drainage Works.

First Reading, 18th March, 1895.
Second Reading, 29th March, 1895.

(Reprinted as amended by the Municipal Committee.)

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 122.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the provisions of *The Consolidated Municipal Act 1892*, relating to statute labor in townships, shall apply to and be in force hereafter in incorporated villages of not more than two thousand inhabitants.

No. 122.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 18th March, 1895.

Mr. Reid,
(Addington.)

TORONTO :
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 123.] **BILL.** [1895.

An Act respecting Mechanics and others employed on Government Works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Workingmen employed by Government to be paid union wages.

1. *After the passing of this Act all mechanics, artisans, laborers and other wage earners in the temporary or permanent employment of the Government of the Province of Ontario or of contractors employed by the said Government shall be paid in accordance with the schedule or scale of wages adopted by their respective unions.*

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Mechanics and others employed on Government Works.

First Reading, 18th March, 1895.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 124.] **BILL.** [1895.

An Act to amend The Ontario Factories Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 2 of section 24 of *The Ontario Factories Act* is repealed and the following substituted therefor :— Rev. Stat., c. 208, s. 24, sub-s. 2, repealed.

(2) Appoint two or more inspectors, one of whom shall be a woman, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislative Assembly. Appointment of inspectors.

No. 124.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ontario Factories Act.

First Reading, 18th March, 1895.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 125.] **BILL.** [1895.

An Act to amend the Tile, Stone and Timber Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 38, s. 8 repealed.

1. Section 8 of *The Tile, Stone and Timber Drainage Act* is repealed and the following substituted therefor:—

Application for loan.

8.—(1) Any person assessed as owner and being the actual owner of land in the municipality wishing to borrow money for the purpose of tile, stone or timber drainage may make application to the council of the municipality in the Form 4 to this Act.

Statutory declaration of applicant.

(2) No such application shall be acted upon by the council unless it is accompanied by a statutory declaration made by the applicant stating that he is the actual owner of the lands mentioned in the said application, and that the said lands are free of encumbrances, or if the said lands or any part thereof are mortgaged or otherwise encumbered, stating the amount of such mortgage or other encumbrance and the name of the mortgagee or encumbrancer.

Consent of encumbrancer.

(3) In case it appears that there is any encumbrance upon the said lands, or any part thereof, the said application shall not be granted unless the consent in writing of mortgagee or other encumbrancer to the granting of the application is endorsed thereon.

No. 125.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Tile, Stone and Timber Drainage Act.

First Reading, 18th March, 1895.

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 125.] **BILL.** [1895.

An Act to amend The Tile, Stone and Timber Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Tile, Stone and Timber Drainage Act* is repealed and the following substituted therefor:— Rev. Stat. c. 38. s. 8 repealed.

Application for loan.

8.—(1) Any person assessed as owner and being the actual owner of land in the municipality wishing to borrow money for the purpose of tile, stone or timber drainage may make application to the council of the municipality in the Form 4 to this Act.

Statutory declaration of applicant.

(2) No such application shall be acted upon by the council unless it is accompanied by a statutory declaration made by the applicant stating that he is the actual owner of the lands mentioned in the said application, and that the said lands are free *from* encumbrances, or if the said lands or any part thereof are mortgaged or otherwise encumbered, stating the amount of such mortgage or other encumbrance and the name *and address* of the mortgagee or encumbrancer, and where the said mortgage has been assigned, the name of the assignee or present holder of such mortgage with his address.

Notice to encumbrancer.

(3) In case it appears that there is any encumbrance upon the said lands or any part thereof the said application shall not be disposed of until two weeks after the mortgagee or other encumbrancer has been notified by registered letter sent to him by the clerk through the post office to his last known address of such application.

No. 125.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Tile, Stone and Timber Drainage Act.

First Reading, 18th March, 1895.
Second Reading, 29th March, 1895.

(Reprinted as amended by Municipal Committee.)

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 126.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 9 of section 489 of *The Consolidated Municipal Act of 1892*, is amended by striking out the word "transient," in the first line thereof, and the words "for temporary periods" in the third line thereof. 55 V. c. 42, s. 489, sub-s. 9, amended.

2. Sub-section 9*a* of the said section 489 is amended by striking out the word "transient," in the first line thereof. 55 V. c. 42, s. 489, sub-s. 9*a*, amended.

No. 126.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 18th March, 1895.

Mr. WOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 127.] **BILL.** [1895.

An Act to amend the Act respecting the Fees of Counsel and other Officers in the Administration of Justice.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat , c. 83, schedule amended.

1. The schedule to the *Act respecting the Fees of Counsel and other Officers in the Administration of Justice* is amended by adding after the words "each list," in item 78 of the part of the said schedule relating to clerks of the peace, the following words : " under this item the clerk of the peace is entitled to the sum of 25 cents for receiving and filing each copy of the voters' list for an entire municipality and no more."

No. 127.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act respecting the Fees of Counsel and other Officers in the Administration of Justice.

First Reading, 18th March, 1895.

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 128.] **BILL.** [1895.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 50a of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, as the same is enacted by the Act passed in the 55th year of Her Majesty's reign, chapter 38, is hereby repealed and the following substituted therefor:— Rev. Stat. c. 164, and 55 V. c. 38.

50a.—(1) The directors of any company may make by-laws from time to time for creating and issuing additional stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law, any such by-law, however, to provide for the priority of any previously authorized preference stock. Issuing preference stock.

No. 128.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

First Reading, 19th March, 1895.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 129.] **BILL.** [1895.

An Act respecting Municipal Arbitrations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Arbitrations Act.*" Short title.

2.—(1) Notwithstanding anything contained in *The Consolidated Municipal Act 1892*, or any other Act, all claims arising under section 483 of the said Act or otherwise to which a municipal corporation is a party, shall be determined by an official arbitrator, to be appointed by the Lieutenant-Governor in Council. Appointment of official arbitrator.

(2) Such arbitrator shall be deemed to be an officer of the high court.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

(4) The arbitrator shall have all the powers of an official referee under *The Judicature Act* and otherwise, and shall hold his office upon the same tenure as an official referee.

(5) The arbitrator shall have all the powers of an arbitrator under *The Municipal Act*, and he shall likewise have the powers of other arbitrators generally.

(6) The arbitrator shall have also, as respects proceedings before him, the powers of a judge of the High Court, including the production of books and papers, the amendment of notices for compensation or damage, and of all other notices and proceedings, the rectification of errors or omissions, the time and place of hearing examinations and views, the assistance of engineers, surveyors, or other experts, and as respects all matters whatsoever incident to the trial and decision of matters before him, or proper for doing complete justice therein between the parties.

3. Any claim against a municipal corporation which any party desires to be determined under this Act shall be instituted by serving a notice upon the opposite party of the wish of the other party to have an arbitration, and if the claim in Commencement of proceedings under Act.

dispute is not settled within fourteen days, an appointment may be taken out before the said referee to proceed thereon. The said notice, if given by the claimant, shall state the grounds of the claim and the particulars thereof.

When referee to state reasons in writing.

4. In the event of the referee proceeding partly on view or upon any special knowledge or skill possessed by himself he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Court of Appeal to determine the weight which should be attached thereto.

Shorthand writer.

5. A shorthand writer may be appointed by the Lieutenant-Governor in Council to report hearings or trials before the referee, and every such officer shall be deemed to be an officer of the High Court *and shall be paid in the same manner as shorthand writers in the High Court are paid*, and the several sections of *The Judicature Act* respecting shorthand writers shall apply to shorthand writers under this Act.

Rev. Stat. c. 44.

Filing award or report.

6. The award or report of the referee, with the evidence and exhibits, and the reasons of his decision, shall be filed in the office of the clerk of the Court of Appeal, and notice of the filing shall forthwith be given by the Clerk of such court by post or otherwise, to the solicitors of parties appearing by solicitor, and to the clerk of the municipality or other corporation and other parties not appearing by solicitor.

Copy of report.

7. A copy of the report certified by the clerk of the said court shall be sent or delivered to the clerk of every municipality interested in the arbitration, and shall be kept on file as a public document of the municipality.

Report to be binding upon parties thereto.

Appeal to court of appeal.

8. The report or decision of the referee shall be binding and conclusive upon all parties thereto unless appealed from within one month after the filing thereof to the court of appeal. The report or decision may be appealed against to the court of appeal in the same manner as the decision of a judge or the High Court is appealed from.

Giving out exhibits when no appeal.

9. In case of no appeal the exhibits may be delivered out to the parties entitled to same at the expiration of one month from the deposit of the decision or report in the proper office.

Transferring actions to referee.

10. Where a party brings an action for damages in a case in which, according to the opinion of the Court in which the action is brought, or a judge thereof, the proper proceeding is under this Act, the Court or Judge, on the application of either party, or otherwise, may order the action to be transferred to the said Referee at any stage of the action, and on such terms as to costs or otherwise as the Court or Judge may see fit, and the referee shall thereupon give such directions as to the

prosecution of the claim before him as may seem just or convenient, and subject to the order of transfer in this behalf. The cost of the proceedings shall be in the discretion of the referee.

Use of court house.

11. In case any matter under this Act is appointed to be heard in any city, town or place in which a court house is situated, the referee shall have in all respects the same authority as a judge of the High Court in regard to the use of the court house and other places or apartments set apart in the county for the administration of justice.

Officers to assist referee.

12. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do.

Practice of high court to be followed.

13. Except as this Act otherwise provides, and subject to the provisions thereof, the rules and practices for the time being of the High Court of Justice are to be followed as far as the same are applicable.

Rules of supreme court.

14. The judges of the Supreme Court shall have the same authority for making general rules and orders with respect to matters under this Act as they have with respect to the *Judicature Act*, and sections 105 to 108 of the *Judicature Act* shall apply thereto.

Powers of referee as to making rules

15.—(1) Subject to any such general rules or orders, the referee shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings under this Act, and also to frame tariffs of fees to be paid.

(2) Such rules and tariffs, whether made by the judges or the referee, shall be published in the *Ontario Gazette*, and shall thereupon have the force of law, and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof.

Costs.

(3) Costs, if given by the said referee, are to be taxed by one of the taxing officers in the county where the arbitration proceedings have been held, and shall be payable upon such scale and to such parties as may be determined by the said referee.

Fees of referee.

(4) The said referee shall receive for his services while sitting upon any arbitration proceeding, the sum of *$15* per day, one-half of which shall be payable by each of the parties thereto, if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested, but the referee shall have power by his award or decision to determine that the sum already paid for fees may

be recoverable by any one or more of the parties thereto from any other or others of the parties thereto, and the same shall be recoverable as any other costs of the arbitration proceedings.

Fees to be paid before.

(5) The report when lodged with the clerk of the court of appeal is not to be made public until all the fees payable by the parties have been paid to the said referee.

Consent to trial before referee.

16. In case all parties to an arbitration under *The Consolidated Municipal Act 1892*, desire to proceed under the said Act, they may proceed with their claim or claims before an arbitrator or arbitrators as provided in the said Act, but if any party to the proceeding desires to have the claim adjusted by the said referee, such claim shall be prosecuted as hereinbefore provided.

No 129.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Municipal Arbitrations.

First Reading, 19th March, 1895.

Mr. MARTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 129.] BILL. [1895.

An Act respecting Municipal Arbitrations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Arbitrations Act.*" Short title.

2.—(1) Notwithstanding anything contained in *The Consolidated Municipal Act* or any other Act, all claims against the corporation of a city, containing a population of 100,000 or over, for compensation or damages, under section 483 of *The Consolidated Municipal Act, 1892*, or any amendment thereof, and all other claims and questions arising under any lease or other contract, to which the corporation is a party, and which, by law, or by the terms of the contract, are to be decided by the award of one or more arbitrators, shall hereafter be heard and determined by an official referee, who may be called, and who is hereinafter called the "Official Arbitrator." Appointment of official arbitrator.

(2) Such arbitrator shall be deemed to be an officer of the High Court and shall not act as solicitor or counsel for or against the municipality, in which he is such arbitrator, in any case in which the said municipality is interested.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

(4) The arbitrator shall have all the powers of an official referee under *The Judicature Act* and otherwise, and shall hold his office upon the same tenure as an official referee.

(5) The *official* arbitrator shall have all the powers of an arbitrator under *The Municipal Act*, and he shall likewise have the powers of other arbitrators generally.

(6) The *official* arbitrator shall have also, as respects proceedings before him, the powers of a judge of the High Court, including the production of books and papers, the amendment of notices for compensation or damage, and of all other notices and proceedings, the rectification of errors or omissions, the time and place of *taking* examinations and views, the assis- Powers of official arbitrators.

tance of engineers, surveyors, or other experts, and as respects all matters whatsoever incident to the trial and decision of matters before him, or proper for doing complete justice therein between the parties, *including the question of costs.*

Commencement of proceedings under Act.

3. In case any person interested in any such claim or question, as aforesaid, desires the same to be determined by the official arbitrator for the city, he shall give to the city clerk and to the other party, or parties interested, seven clear days' notice that the same is so referred, specifying, therein, the nature of the claim or question to be determined, and the amount in controversy, and upon such notice or notices, with sufficient proof of the service thereof, as aforesaid, being filed with him, the arbitrator may proceed to hear and determine the matters so referred to him.

When referee to state reasons in writing.

4. In the event of the *official arbitrator* proceeding partly on view or upon any special knowledge or skill possessed by himself he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Court of Appeal to determine the weight which should be attached thereto.

Filing award or report.

5. The award of the *official arbitrator*, with the evidence and exhibits, and the reasons of his decision, shall be filed in the office of the clerk of the Court of Appeal, and notice of the filing shall forthwith be given by the official arbitrator to the parties appearing upon the reference, or to their solicitors.

Fees to be paid before.

6. The report when lodged with the clerk of the Court of Appeal is not to be made public until all the fees payable by the parties have been paid to the said *official arbitrator.*

Report to be binding upon parties thereto.

Appeal to court of appeal.

7. The *award* of the *official arbitrator* shall be binding and conclusive upon all parties thereto unless appealed from within one month after the filing thereof to the Court of Appeal. The *award* may be appealed against to the Court of Appeal in the same manner as the decision of a Judge of the High Court is appealed from.

Giving out exhibits when no appeal.

8. In case of no appeal the exhibits may be delivered out to the parties entitled to same at the expiration of one month from the deposit of the *award* in the proper office.

Transferring actions to referee.

9. Where a party brings an action for damages in a case in which, according to the opinion of the Court in which the action is brought, or a Judge thereof, the proper proceeding is under this Act, the Court or Judge, on the application of either party, or otherwise, may order the action to be transferred to the said *official arbitrator* at any stage of the action, and on such terms as to costs or otherwise as the Court or Judge may see fit, and the *official arbitrator* shall thereupon give such directions as

to the prosecution of the claim before him as may seem just or convenient, and subject to the order of transfer in this behalf, the costs of the proceedings shall be in the discretion of the *official arbitrator*.

Rules of Supreme Court.

10.—(1) The Judges of the Supreme Court shall have the same authority for making general rules and orders with respect to matters under this Act as they have with respect to the *Judicature Act, and also to frame tariffs of fees to be paid,* and sections 105 to 108 of the *Judicature Act* shall apply thereto.

Publication of rules and tariff.

(2) Such rules and tariffs, shall be published in the *Ontario Gazette*, and shall thereupon have the force of law, and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof.

How costs to be taxed.

(3) Costs, if given by the said *official arbitrator*, are to be taxed by one of the taxing officers *of the High Court*, and shall be payable upon such scale and to such parties as may be determined by the said *official arbitrator*.

Fees of official arbitrator.

(4) The said *official arbitrator* shall receive for his services, while sitting upon any arbitration proceeding, at the rate of $20 per day, or a proportionate part thereof, where a sitting upon any one day occupies less than a whole day, or for a meeting, at which the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, $4 and one-half of the said fees shall be payable by each of the parties thereto, if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested, but the *official arbitrator* shall have power by his award to determine that *any* sum *so paid or payable* for fees may be recoverable by any one or more of the parties thereto from any other or others of the parties thereto, and the same shall be recoverable as any other costs of the arbitration proceedings.

Appointment of assessor.

11.—(1) The Lieutenant-Governor in Council may also appoint, for such municipality, an assessor of sound judgment, experience and knowledge in, and as to matters relating to real property within such municipality, to sit with the *official arbitrator*, upon arbitrations as hereinafter provided.

In what cases to be called in.

(2) The assessor shall be called upon by the *official arbitrator*:—

(*a*) In any arbitration pending before him, upon the request of all parties to the arbitration, and at any stage of the proceedings.

(*b*) When the *official arbitrator* desires his advice and assistance, and no party to the proceedings objects thereto, at the time, he is so called in.

(3) The said assessor shall not make, or join in the award,

but shall otherwise give the *official arbitrator* such assistance as he may require.

Assessor's fees.

(4) The assesssor shall receive for his services, while sitting on any arbitration proceeding as aforesaid, at the rate of $10 per day, or a proportionate part thereof, where a sitting on any one day occupies less than a whole day; or for a meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, $2.00.

How payable.

The fees of the assessor shall be payable by the same parties, and in the same proportion and manner, and shall be recoverable in the same way as those of the arbitrator and shall be treated, in all respects, in the same manner as the fees of the arbitrator, as to the ultimate payment thereof, and as to the manner of such payment.

12. Nothing in this Act contained shall affect any action or arbitration now pending.

13. This Act shall be read with, and as part of *The Consolidated Municipal Act, 1892*, as amended.

No. 129.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Municipal Arbitrations.

First Reading, 19th March, 1895.
Second Reading, 29th March, 1895.

(Reprinted as amended by Municipal Committee.)

Mr. MARTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 130.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 366 of *The Consolidated Municipal Act 1892*, is amended by inserting after the word "company" in the third line thereof the words "or any establishment for the storage of ice." 55 V. c. 42, s. 366, amended.

No. 130.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th March, 1895.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 131.] **BILL.** [1895.

An Act respecting the Department of Agriculture.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Minister of Agriculture shall, subject to section 3 of *The Act respecting the Executive Council*, have the functions, duties and powers, which by statute or otherwise, on the 23rd day of March, 1888, belonged to the Commissioner of Agriculture, and shall have any other functions, duties and powers which, under and subject to the provisions of the said Act, may be from time to time assigned or transferred to him by Order in Council. 51 Vict. c. 8, s. 1. Rev. Stat., c. 13.

2. The Minister of Agriculture may take any necessary steps for the continuing of the keeping registrars of pure bred stock heretofore kept by the council of the Agriculture and Arts Association. Rev. Stat., c. 40.

BUREAU OF INDUSTRIES.

3. There shall be attached to the department of the Minister of Agriculture a bureau, to be styled "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes, and the said Minister shall be charged with the direction thereof. R.S.O. 1887, c. 39, s. 6. Bureau to be under direction of Minister of Agriculture.

4. It shall be the duty of the Minister to institute inquiries and collect useful facts relating to the agricultural and other industrial interests of the province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the province; and (amongst other things) to procure and publish early information relating to the supply of grain, breadstuffs and live stock in the other provinces of the Dominion, in Great Britain, and in the United States and other foreign countries in which the province finds a market for its surplus products, and as to the demand therefor; and the Minister shall, on or before the first day of May in each year, cause to be published and distributed for the use of the members of the Useful facts relating to agriculture, etc., to be collected and published.

Legislature, the general report and the tabular abstract for the preceding year, made by the (secretary to the Minister) as provided by section 9 of this Act. R.S.O. 1887, c. 39, s. 7.

Appointment of secretary and other officers.

5. The Lieutenant-Governor may appoint a (secretary of the bureau) and may also appoint such other officers as may be necessary for the proper conduct of the Bureau. R.S.O. 1887, c. 39, s. 8.

Duties of secretary.

6. It shall be the duty of the secretary, under the instructions of the Minister, to conduct all correspondence of the bureau; to send to the proper officers and persons of whom such service is required the schedules, with instructions approved by the Minister, for the collection of facts and information relating to agriculture and other industries of the province; to receive, abstract and tabulate the information collected and obtained, and to publish the same from time to time during the growing season; to prepare at the close of each year a general report to the Minister, including a tabular abstract of facts relating to land, trade, government, population and other subjects compiled annually from the departmental records of the province and from other available records; and generally to perform all work within the sphere of the bureau as he may from time to time be directed by the Minister. R.S.O. 1887, c. 39, s. 9.

Arrangements with Government of Dominion.

7. The Minister of Agriculture, with the approval of the Lieutenant-Governor in Council may make such arrangements as he deems expedient with the government of the Dominion for the collection and transmission of information on the agricultural, manufacturing and other interests of the province or for obtaining for the use of the province such information as may have been collected by the Department of Agriculture. R.S.O. 1887, c. 39, s. 11.

Officers, etc., entitled to copy of reports.

8. All collectors and officers employed in collecting data for the Bureau of Industries shall be entitled to receive one copy each of the publications and reports of the said bureau. R.S.O. 1887, c. 39, s. 12.

Officers of certain societies and others to answer all official communications.

9. The officers of all societies and associations organized under *The Agriculture and Arts Act*, and of all municipal councils, school boards and public institutions, and all public officers of this Province, shall promptly answer all official communications from the said Bureau, shall from time to time collect and tabulate facts according to instructions to be furnished them, shall make diligent efforts to supply correct information on all questions submitted to them, and generally shall act as far as practicable upon the recommendations of the Minister; and any officer of any such society, association, council, school board or public institution making a false return

of information, or refusing or wilfully neglecting to answer any question, or to fill up, tabulate and return official schedules according to instructions and within the prescribed times, or to furnish information relating to the industries of the Province, when required so to do either by the Minister or by the Secretary of the Bureau, shall for every such offence incur a penalty of $40, which shall be recoverable by any person suing for the same before any Court of competent jurisdiction, and shall be paid to Her Majesty for the use of this Province. Rev. Stat. c. 39, s. 10.

No. 131.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Department of Agriculture.

First Reading, 19th March, 1895.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 132.] **BILL.** [1895.

This Bill consolidates the following Acts:—
R.S.O., 1887, chap. 39.
51st Vict., chap. 8; 52nd Vict., chap. 9; 54th Vict., chap. 10.
56th Vict., chap. 9; 57th Vict., chap. 17.

An Act to consolidate and amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Agriculture and Arts Act.* R. S. O. 1887, c. 39, s. 1. Short title.

2. In the construction of this Act, Interpretation.

1. "Department" shall mean the "Department of Agriculture." "Department."

2. "Minister" shall mean the "Minister of Agriculture."

3. "Division" shall mean a Division composed of Districts as set forth in schedule A annexed to this Act.

4. District shall mean a District composed of municipalities as set forth in schedule B annexed to this Act.

5. "District Society" shall mean "District Agricultural Society."

6. "Township Society" shall mean "Township Agricultural Society." R. S. O. 1887, c. 39, s. 2.

3. All agricultural and horticultural societies, and all associations organized under any former *Agriculture and Arts Act*, except the Agriculture and Arts Association and the Council of the Agriculture and Arts Association shall continue except so far as they may be altered or affected by this Act. R. S. O. 1887, c. 39, s. 3.

4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may Minister to decide disputes.

be made to the Lieutenant-Governor in Council. R. S. O. 1887, c. 39, s. 4.

Minister may appoint persons to inspect accounts of societies, etc.

5. The Minister may appoint any person or persons to inspect the books and accounts of any society, association or body in the Province receiving Government aid, under or by virtue of this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such society or body whenever required so to do, shall submit the book and accounts thereof to such inspection and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society or body. R. S. O. 1887, c. 39, s. 5.

District Agricultural, Township Agricultural and Horticultural Societies.

When societies may be organized.

6. A district agricultural society may be hereafter organized in each of the districts set forth in schedule B, annexed to this Act; a township agricultural society may be hereafter organized in any township or in any union of two or more adjoining townships; and a horticultural Society may be hereafter organized in any city, town or incorporated village or in any union of two or more adjacent cities, towns or incorporated villages. R. S. O. 1887, c. 39, s. 35 (1) 46.

Mode of organization.

7. The mode of organization shall be as follows:

(*a*) A declaration in the form of schedule C to this Act shall be signed by those persons (residents of the municipality or municipalities in which the society is organized) desiring to organize a society under this Act, each of whom shall pay at least $1 into the funds of the society. In the case of a district agricultural Society the number of such persons shall be at least eighty, and in the case of a township agricultural or a horticultural society the number shall be at least fifty where the number of ratepayers is two hundred or over, and at least thirty where the number of ratepayers is less than two hundred. R.S.O., 1887, chap. 39, sec. 35 (3), sec. 46.

(*b*) Within one month after the money has been so paid a true copy of the said declaration, with names and addresses of the signers of the same, shall be transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the society. R. S. O., 1887, c. 39, s. 35 (3) *part.*

(*c*) The first meeting of the district society shall be held on the third Wednesday of January next ensuing, and the first meeting of the township or horticultural society shall be held on the second Wednesday of January next ensuing, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the district and also by printed placards or bills posted in local places of common resort. R. S. O., 1887, c. 39, s. 35 (3).

(*d*) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, who together shall form the board of directors, a majority of which board shall be resident in the district. At the said first meeting the society shall appoint two auditors for the ensuing year. *See* R. S. O., 1887, c. 39, ss. 40, 51.

(*e*) The board of directors from among themselves or otherwise shall appoint a secretary and a treasurer or a secretary-treasurer. *See* R. S. O., 1887, c. 39, ss. 40, 51.

(*f*) A report of the organization meeting certified by the president and secretary and containing a statement of the number of members and a list of the officers elected and appointed shall be sent within one week after the holding of the meeting to the Department. R. S. O., 1887, c. 39, s. 35 (3).

Designation of societies.

8. Upon the receipt of such report the society so organized shall be deemed the district agricultural, the township agricultural or the horticultural society, as the case may be. The district societies shall bear the name of the district, as set forth in schedule B, and the township and the horticultural societies shall bear the names of the municipality or municipalities wherein they are situated ; and each society so constituted and recognized shall be entitled to the legislative grant hereinafter provided and to enjoy all the privileges granted by this Act. R. S. O., 1887, c. 39, s. 35 (3), 47 (1).

Objects of societies.

9.—(1) The objects of district and township societies shall be to encourage improvement in agriculture, horticulture, manufactures and the useful arts :—

(*a*) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes ;

(*b*) By promoting the circulation of agricultural, horticultural and mechanical periodicals ;

(*c*) By importing and otherwise procuring seeds, plants and animals of new and valuable kinds;

(*d*) By offering prizes for essays on questions of scientific inquiry relating to agriculture, horticulture, manufactures, and the useful arts;

(*e*) By awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of agricultural or horticultural implements and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art. R.S.O., 1887, c. 39, sec. 37.

Horticultural societies.

(2) The objects of horticultural societies shall be to encourage improvement in horticulture:—

(*a*) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture;

(*b*) By promoting the circulation of horticultural periodicals;

(*c*) By importing and otherwise procuring seeds and plants of new and valuable kinds;

(*d*) By offering prizes for essays on questions of scientific inquiry relating to horticulture;

(*e*) By awarding premiums for the invention or improvement of horticultural implements and machinery, the production of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any horticultural production and operation. R.S.O., 1887, c. 39, s. 37.

Application of funds.

(3) None of the funds of any of such societies, howsoever derived, shall be expended for any purpose inconsistent with those above mentioned. R. S. O., 1887, c. 39, s. 38.

Annual meetings.

10.—(1) The annual meeting of every society shall be held in each year as follows: that of a township agricultural society on the second Wednesday of January at one o'clock in the afternoon; that of a horticultural society on the second Wednesday of January at half past seven o'clock in the evening; that of a district agricultural society on the third Wednesday of January at one o'clock in the afternoon, except in the case of city district societies which shall hold their meetings at half past seven o'clock in the evening.

Notice of meetings.

(2) At least two weeks' previous notice of all such meetings shall be given by advertisement in one or more newspapers published in the municipality or municipalities to which the society belongs and also by printed placards or bills posted in places of common resort. R. S. O., 1887, c. 39, s. 39, 51.

11. The following business shall, among other things, be transacted at the annual meeting:— Business to be transacted at annual meetings.

(*a*) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount paid by each being set opposite to his name, the amount offered and also the amount awarded in prizes to each kind of live stock, agricultural products, implements, domestic products or other objects respectively, the number of entries in each class, together with such remarks and suggestions upon the agriculture and horticulture of the district, and the arts and manufactures therein as they are enabled to offer. R. S. O., 1887, c. 39, s. 41. Annual report.

(*b*) In the case of horticultural societies the said information shall be with reference to horticulture and arts only. R. S. O., 1887, c. 39, s. 52.

(*c*) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors. R. S. O., 1887, c. 39, s. 41 (2), 52.

(*d*) The officers and other directors shall be elected by the members as required by section 7(*d*). R. S. O., 1887, c. 39, s. 40, 51.

12. The above reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall also be sent within one month to the Department and the Minister may require all such reports to be made out on schedules to be supplied by the department in such form as he may direct. *See* R. S. O., 1887, c. 39, s. 42. Recording reports.

13. The members of each society shall at an annual meeting or at a special meeting, of which two weeks' previous notice has been given by advertisement as in section 10(2) make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have full power to act for and in behalf of the society and all grants and other funds of the society shall be received and expended under their direction. *See* R. S. O., 1887, c. 39, ss. 43 (2), 49. By-laws and regulations,— powers of directors.

14. The first meeting of the board of directors of a society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment, or be called by written notice given by authority of the president, or in his absence of the senior vice-president, or in the absence Meetings, when and how called.

or on the neglect of the president or vice-president, then on the written request of any three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum. R. S. O., 1887, c. 39, s. 43, 49.

Societies to be bodies corporate.

15.—(1) All district, township and horticultural societies now or hereafter organized, shall be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions and, subject to the approval of a meeting of the society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such societies.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in one or more newspapers published in the county or district and by printed placard; and at such meeting only those persons shall be entitled to vote who are members for the current year and who were also members for the two previous years. R. S. O., 1887, c. 39, s. 36.

Dissolution of union societies.

16. Where two or more municipalities have been united to form a township or a horticultural society a dissolution of such union society may be effected in the following manner: a petition requesting a dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and provided the number so signing is equal to the number required for the organization of a new society as in section 7(*a*), the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former united society shall thereupon become dissolved and shall cease to exist. R. S. O., 1887, c. 39, s. 54.

Apportionment of assets on dissolution of union society.

17. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the senior county judge or the stipendiary magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the senior judge of the county or the stipendiary magistrate, for final decision. R. S. O., 1887, c. 39, ss. 44, 54.

Powers as to lands.

18. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or other-

wise dispose of the same, subject to the approval of a meeting of the society as provided in section 15. R.S.O., 1887, c. 39, s. 56.

Legislative Grants.

Proofs required to be furnished by societies.

19. On or before the first day of September in each year the officers of every district, township and horticultural society shall send to the Department an affidavit, which may be sworn to before any justice of the peace, in the form of schedule D annexed to this Act, stating the number of members and the total amount paid in at that time for membership fees to the officers of the society for the current year. R S.O., 1887, c. 39, s. 57.

Conditions of grant.

20. Every district society, every township society and every horticultural society organized under or recognized by this Act, shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Department, and upon the following conditions:—

(*a*) That the number of paid-up members for the current year is not less than the number required for organization.

(*b*) That all reports and returns required by this Act have been made to the satisfaction of the Minister. (*New.*)

(*c*) That the annual meeting has been held as required and officers elected, in accordance with section 11.

(*d*) That the objects of the said society as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects. *See* R. S. O., 1887, c. 39, ss. 57 (1), 58 (1), (2).

Apportionment of shares in grant.

21. The division of the legislative grant for each district shall be made as follows:—

(*a*) An amount not exceeding $420 shall be subject to division among the township and the horticultural societies of each district; to be divided in proportion to the number of paid-up members as reported by affidavit on or before September 1st, but any one society shall not receive more than $140, nor shall any one society receive more than three times the amount reported as paid up by its members. R.S.O., 1887, c. 39, s. 59.

(*b*) In case a township or a horticultural society is situated within two districts it shall receive from each of the grants made to these districts, but in the proportion of only one-half of the number of its members in each case. R.S.O., 1887, c. 39, s. 53 (*part*).

(*c*) The remainder of the legislative grant for each district after thus paying to the township and horticultural societies (if there are any such) the moneys to which they are entitled, shall be payable to the district society. (*New.*)

(*d*) The district of the city of Toronto shall not receive more than $550 in any year; and the districts of the city of Kingston, the city of Hamilton, the city of London, the city of Ottawa, the town and township of Cornwall, and the town and township of Niagara, shall not receive more than $350 respectively, in any year. R. S. O., 1887, c. 39, s. 57 (2).

EXHIBITIONS.

Where exhibitions to be held.

22.—(1) The exhibition of any society shall be held within the limits of the municipality or municipalities in which the society is organized, and in case of a union of two or more societies it shall be held within the limits of the municipalities included in the union; the place to be decided by a by-law or regulation of the society. *See* R. S. O., 1887, c. 39, s. 62.

Changing place of holding exhibitions.

(2) Whenever the members of any district or township society have by by-law or resolution fixed upon a place or places for holding the exhibition or exhibitions of such society for any year or years then the place or places for holding such exhibition or exhibitions shall not be changed except by the decision of a majority of the qualified voters, as follows:—

(*a*) A special meeting shall be called by the board of directors for the expressed purpose of considering the question.

(*b*) At least two weeks' previous notice of such meeting shall be given by advertisement as in section 10 (2).

(*c*) Only paid-up members for the current year who were also members in the previous year shall be qualified to vote.

(*d*) The meeting shall be called for ten o'clock in the forenoon, and if a poll is demanded it shall be opened at once and remain open until six o'clock except that it may be closed by the presiding officer of the society if at any time one hour elapses without any vote being polled. *See* R. S. O., 1887, c. 39, s. 62, *amended*.

23. Any two or more district societies, or a district society and any township or horticultural society or societies, or any two or more such township or horticultural societies, or the society of a city district and any township or horticultural society or societies adjoining such city district, may, by agreement between the officers or a majority of the officers of each such society, unite their funds or any portion thereof for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra exhibitions, or for plowing matches, or for any other purpose likely to promote agriculture, horticulture, arts and manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the society called for the purpose, at which meeting only paid-up members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. R. S. O., 1887, c. 39, s. 63. Union of district and township societies.

24.—(1) The exhibitions of any township society shall be held at such place as shall afford sufficient accommodation for such exhibitions; but no separate township exhibition shall be held within five miles of the place at which the district exhibition is held for any year in the same township; but a township society may unite with a district society, and may merge its funds with those of a district society for that year, and if so merged the members of such township society shall be entitled to all the privileges of members of the district society at the exhibition, and the president, vice-president and directors of such township society shall be co-directors with the directors of the district society for the conducting and management of such exhibitions. Township societies exhibition.

(2) But where a township society unites with a district society other than the district society within the limits of which the township is situated, the township society shall only be entitled to share in the distribution of the government grant upon the amount of members' subscriptions paid by members resident within the township, and the secretary of the township society in his returns to the Department shall distinguish the members so resident from other members. R. S. O., 1887, c. 39, s. 64.

25. The board of directors of any association or society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such exhibition. R. S. O., 1887, c. 39, s. 78. Frauds at exhibitions.

Keeping the Peace at Exhibitions.

Justices of the peace may appoint policemen, etc.

26. Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition may be held shall, on the request of the president or executive committee of any agricultural or horticultural society, appoint as many policemen or constables as may be required at the expense of the said association or of such society, said policemen or constables to be named by such association or society, whose duty it shall be to protect the property of such association or society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such association or society. R. S. O., 1887, c. 39, s. 82.

Penalty for obstructing officers or gaining admission contrary to rules.

27. If any person wilfully hinders or obstructs the officers or servants of any agricultural or horticultural society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such association or society, he shall be liable to a fine of not less than $1 nor more than $20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such association or society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days. R. S. O., 1887, c. 39, s. 83.

Gambling, etc., to be prevented.

28. The officers of any such association or society may by their rules and regulations prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said association or society, and be subject to the penalty prescribed by the next preceding section. R. S. O., 1887, c. 39, s. 84.

Penalty.

Horse racing prohibited during exhibitions.

29.—(1) It shall not be lawful to carry on any horse racing during the days appointed for holding any exhibition by any district or township society, at the place of holding the exhibition or within five miles thereof.

Penalty.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding $50, or imprisonment in the common gaol of the county for a period not exceeding thirty days. R. S. O., 1887, c. 39, s. 86.

OTHER ASSOCIATIONS.

30. The following societies, organizations or associations, whether heretofore incorporated or not, shall be or continue to be bodies corporate under the provisions of this Act, the membership of each to comprise not less than 50 persons, each paying at least $1 annual membership fee : Other societies under operation of Act.

The Ontario Fruit Growers' Association.

The Entomological Society of Ontario.

The Dairymen's Association of Eastern Ontario.

The Dairymen's Association of Western Ontario.

The Ontario Creameries Association.

The Poultry Association of Ontario.

The Eastern Ontario Poultry and Pet Stock Association.

The Ontario Bee-keepers' Association.

The Ontario Agricultural and Experimental Union.

The Dominion Sheep Breeders' Association.

The Dominion Swine Breeders' Association.

See R. S. O., 1887, c. 39, s. 65. (*Additions.*)

31. Each of such associations shall hold an annual meeting at such time and place as may be determined upon by the members ; and each association shall at such annual meeting elect a president, one or two vice-presidents and also not less than five or more than nine directors, all of whom shall constitute the board of directors. The Ontario Fruit Growers' Association, and the Ontario Creameries Association, shall each elect one director from each division as set forth in schedule A to this Act. The Dairymen's Association of Eastern Ontario shall elect one director from each of the divisions No. 1, 2, 3, 4, 5, 6 in said schedule A ; The Dairymen's Association of Western Ontario shall elect one director from each of the divisions No. 7, 8, 9, 10, 11, 12, 13 in said schedule A ; The Eastern Ontario Poultry and Pet Stock Association shall elect one director from each of the divisions No. 1, 2, 3 and 4 in said schedule A ; The Poultry Association of Ontario shall elect one director from each of the divisions No. 5, 6, 7, 8, 9, 10, 11, 12 and 13 in said schedule A ; The Ontario Entomological Society shall elect five directors, one from each of five divisions, to be arranged by themselves at their annual meeting. The other associations shall arrange for the representation of directors by by-law. The board of directors so elected shall appoint from among themselves or otherwise, a secretary and a treasurer (or a secretary-treasurer). *See* R. S. O., 1887, c. 39; s. 67, 52 Vict. c. 9, s. 3. Annual meetings, officers, etc.

32.—(1) All by-laws and regulations of the said associations must be approved of by a majority of the members present at an annual meeting, or at a special meeting called for the pur- By-laws and regulations.

pose of considering the same, and of which at least two weeks' notice shall be given by public advertisement. R. S. O., 1887, c. 39, s. 65 (1), (2).

Powers of officers.

(2) The officers shall have full power to act for and on behalf of the association, and all grants of money and other funds of the association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the association. R.S.O. 1887, c. 39, s. 67, (2).

Annual report.

33. At each annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the association, and a detailed statement of the receipts and expenditure for the previous year and of assets and liabilities, duly audited; and a copy of said report, a statement of receipts and expenditure, a statement of assets and liabilities, a list of members and a list of the officers elected, and also such general information on matters of special interest to each association that such association may have been able to obtain, shall be sent to the Minister within forty days after the holding of such annual meeting. R. S. O., 1887, c. 39, s. 68.

Conditions upon which associations shall share in Legislative grant.

34.—(1) Each of such associations shall be entitled to receive from unappropriated moneys in the hand of the Treasurer of the Province a specified sum to be placed in the estimates and voted by the Legislature for each year; provided,

(*a*) That the number of *bona fide* members, each paying an annual subscription of not less than one dollar, is at least fifty.

(*b*) That the secretary of each of the said associations shall, on or before the 1st day of September in each year, transmit to the Minister an affidavit, which may be sworn to before any justice of the peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions.

(*c*) That the general provisions of this Act have been complied with.

(*d*) That none of the funds of the association, from whatever source derived, have been expended in a manner inconsistent with the purposes of organization of the said association. R. S. O., 1887, c. 39, s. 66.

(2) In the case of each of the poultry associations the grant shall not be paid if the show or exhibition be held in any one place for two years in succession. (*New.*)

Auditing accounts.

35. The Minister shall appoint a person who shall audit the accounts of the various associations and this auditor shall present a report of the result of his audit to the officers of the association and also to the Minister. (*New.*)

General Provisions as to Elections.

Right of voting.

36. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any society or association organized under this Act shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies. R. S. O., 1887, c. 39, s. 70.

Payment of subscriptions after poll opened not to entitle to vote.

37.—(1) No membership subscriptions for the ensuing year paid after the president or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the city district societies and the horticultural societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. R. S. O., 1887, c. 39, s. 171.

(2) In the case of city district societies and horticultural societies the hours for opening and closing the poll shall be fixed by by-law of the society. (*New.*)

Vacancies.

38. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an agricultural or other society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. R. S. O., 1887, c. 39, s. 72.

Where election illegal and void.

39. In the event of an election of any officers of any association, society or other body coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been legally held shall continue to be, and shall be deemed to be, the officers of such association, society or body until their successors are legally appointed, and, in the event of any such non-election or illegal election, a special meeting of the members of such association, society or other body shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in section 10(2) in the case of the annual meeting of an electoral district society) by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the association, society or other body; and at such meeting the election of officers

shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such association, society or body. R. S. O. 1887, c. 39, s. 73.

Special meetings.

40. A special meeting of the directors of any association or society organized under this Act may be called by the president thereof, or in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. R. S. O., 1887, c. 39, s. 73 (2).

Treasurer of a society to give security.

41. The treasurer of every society or other association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in the form given in schedule F to this Act or otherwise, as the board of directors or other managing officers may deem necessary for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties shall continue valid as against the parties thereto under such reappointment. R. S. O., 1887, c. 29, s. 77.

Municipal Aid to Agricultural and Other Societies.

Aid from municipal councils to agricultural associations.

42.—(1) The municipal council of any city, town, village, county or township in this province may grant or loan money or grant land in aid of the Agriculture and Arts Association, or in aid of any agricultural society or horticultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister in the case of a township society; and if such grant is a loan of money to enable the said association or society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage, thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be

legal and valid. Provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, $3,000, in the case of a township or town, $2,000, and in the case of a village, $1,000. 57 Vict., chap. 17.

Agreements between municipalities and other societies for the use of buildings, etc.

(2) Any of the said municipalities owning lands or buildings for public purposes shall have power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 155 of the Revised Statutes of Ontario, 1887, or of any amendment thereto, or with any agricultural or horticultural association, for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for agricultural or industrial shows, and to give the said companies the power of renting said grounds and buildings when owned by said company to any agricultural or horticultural association formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said association, and to grant to such company or association the power to collect during said show, or at other times, as may be agreed from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any wagon, carriage or other vehicle, or for any horse or other animal which may be taken thereon, such entrance fee or other charge as the said company or association may deem necessary or expedient. R. S. O., 1887, c. 39, s. 81 (2).

Farmers' Institutes.

When farmers' institutes may be formed.

43. The formation of farmers' institutes shall be permitted under this Act, one for each district, as given in schedule B to this Act, but the Lieutenant-Governor in council may, upon the recommendation of the Minister permit the organization of additional farmers' institutes or make changes in the limits of the various districts in order to increase their efficiency. Such farmers' institutes shall not be bodies corporate. (*New.*)

Rules and regulations.

44. The Lieutenant-Governor in council shall, upon recommendation of the Minister, adopt rules or regulations for the general guidance or direction of such farmers' institutes. (*New.*)

Share in Legislative grant.

45. Every farmers' institute shall be entitled to receive such money out of the unappropriated funds in the hands of the Provincial Treasurer as the Legislature may grant, provided—

(*a*) That the number of members is at least fifty, each paying an annual fee of not less than 25 cents.

(*b*) That the rules or regulations approved by the Lieutenant-Governor in council have been carefully observed.

(*c*) That all reports or returns required to be made to the Department have been made to the satisfaction of the Minister. (*New.*)

AGRICULTURE AND ARTS ASSOCIATION.

Council of association continued until 1st January, 1896.

46. The council of the Agriculture and Arts Association shall be continued until the first day of January, 1896, with all the powers and privileges at present conferred by the former *Agriculture and Arts Act*, except as modified by sections 47 and 48 of this Act. But on and after the first day of January, 1896, the Agriculture and Arts Association and the council of the said association shall cease to exist. (*New*).

Property held by association vested in Crown.

47. Upon the passing of this Act all the property and effects, real and personal, of what nature and kind soever vested in the said Agriculture and Arts Association or in the council of the said association or held in trust by the said association or by the said council for the purposes of the same shall, subject to the lawful debts of the association, be vested in Her Majesty for the public uses of the Province. (*New*).

HERD BOOKS AND PEDIGREES.

Stock registers.

48. The keeping of registers of pure bred stock heretofore delegated to the council of the Agriculture and Arts Association, in accordance with R. S. O., 1887, chap. 39, sec. 28, subsec. 10, is hereby transferred to the various associations or bodies corporate heretofore engaged in such work conjointly with the said council; and the Lieutenant-Governor in Council may, from time to time, appoint a person or persons on behalf of the Department of Agriculture to assist in such registration; and the salary of the person so appointed shall be payable out of the moneys set apart from year to year by the Legislature of the Province for agriculture. This clause shall take effect on and after January 1st, eighteen hundred and ninety-six. (*New.*)

Falsifying pedigrees.

49. Any person who wilfully signs any false pedigree intended for registration in any herd, flock or stud book, or who presents to the secretary or other officer having charge of the register for the purpose of having the same entered therein, any false or spurious pedigree, knowing the same to be false or spurious, shall, upon summary conviction thereof, upon information to be laid within two years from the commission of the offence, before any justice of the peace, be liable to a penalty of not more than $100 and not less than $25, together with the costs of prosecution, for each pedigree so signed or presented as aforesaid by him. 54 Vict., c. 10, s. 1.

50. The following Acts are hereby repealed :— Repealing clauses.

Revised Statutes of Ontario, 1887, chapter 39

Chapter 8 of the Acts passed in the 51st year of the reign of Her Majesty Queen Victoria.

Chapter 9 of the Acts passed in the 52nd year of the said reign.

Chapter 10 of the Acts passed in the 54th year of the said reign.

Chapter 9 of the Acts passed in the 56th year of the said reign.

Chapter 17 of the Acts passed in the 57th year of the said reign.

51. This Act shall come into force immediately on the passing thereof, except that sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of chapter 39, Revised Statutes of Ontario, 1887, shall continue in force until the first day of January, 1896. Commencement of Act.

SCHEDULE A.

Agricultural Divisions.

1. Stormont, Dundas, Glengarry, Prescott, and Cornwall.

2. Lanark North, Lanark South, Renfrew North, Renfrew South, Carleton, Russell, and the city of Ottawa.

3. Frontenac, city of Kingston, Leeds and Grenville North, Leeds South, Grenville South, and Brockville.

4. Hastings East, Hastings North, Hastings West, Addington, Lennox, and Prince Edward.

5. Durham East, Durham West, Northumberland East, Northumberland West, Peterborough East, Peterborough West, Victoria North (including Haliburton), and Victoria South.

6. York East, York North, York West, Ontario North, Ontario South, Peel, Cardwell, and city of Toronto.

7. Wellington Centre, Wellington South, Wellington West, Waterloo North, Waterloo South, Wentworth North, Wentworth South, Dufferin, Halton, and city of Hamilton.

8. Lincoln, Niagara, Welland, Haldimand, and Monck.

9. Elgin East, Elgin West, Brant North, Brant South, Oxford North, Oxford South, Norfolk North, and Norfolk South.

10. Huron East, Huron South, Huron West, Bruce North, Bruce South, Grey East, Grey North, and Grey South.

11. Perth North, Perth South, Middlesex East, Middlesex North, Middlesex West, and city of London.

12. Essex North, Essex South, Kent East, Kent West, Lambton East, and Lambton West.

13. Algoma East, Algoma West, Simcoe East, Simcoe South, Simcoe West, Muskoka, Parry Sound East, Parry Sound West, Nipissing East, Nipissing West, and Manitoulin.

R.S.O., 1887, c. 39, Schd. A., 56 V., c. 10.

SCHEDULE B.

In the following schedule the districts into which the province is divided for the purposes of *The Agriculture and Arts Act* are arranged alphabetically. The boundaries of these divisions do not agree in many cases with the electoral division boundaries. The districts here given were established by schedules to chapter 39 of the Revised Statutes of Ontario for 1887. As agricultural societies were formed before that revision in accordance with these boundaries, and also since the revision, it has been found necessary to retain them.

For convenience of reference it may be pointed out that the following are the districts which agree with the electoral divisions as established by the Revised Statutes of 1887:—

Bruce, South, Centre and North,
Carleton,
Dundas,
Durham, East and West,
Glengarry,
Haldimand,
Halton,
Hamilton, city of,
Hastings, North, East and West,
Huron, South,
Kent, East and West,
Lambton, East and West,
Lanark, North and South,
Lennox,
Lincoln,
London, city of,
Middlesex, North, East and West,
Monck,
Muskoka,
Norfolk, North and South,
Northumberland, East and West,
Oxford, North and South,
Peel,
Peterborough, East and West,
Prescott,
Prince Edward,
Renfrew, North and South,
Russell,
Waterloo, North and South,
Welland,
Wentworth, North and South,
York, North.

The following districts under *The Agriculture and Arts Act* differ from the electoral divisions:—

Addington,
Brant, North,
Brant, South,
Brockville,
Cardwell,
Cornwall,
Dufferin,
Elgin, East,
Elgin West,
Essex, North,
Essex, South,
Frontenac,
Grenville, South,
Grey, North,
Grey, South,
Grey, East,
Huron, East,
Huron, West,
Kingston, city of,
Leeds and Grenville, North,
Leeds, South,
Manitoulin,
Niagara,
Nipissing, East,
Nipissing, West,
Ontario, North,
Ontario, South,
Ottawa, city of
Parry Sound, East,
Parry Sound, West,
Peel,
Perth, North and South,
Simcoe, East, West and South,
Stormont,
Toronto, city of
Victoria, North,
Victoria, South,
Wellington, Centre,
Wellington, South,
Wellington, West,
York, East,
York, West.

The municipalities composing these districts will be found in their proper place in the subjoined list:—

Districts for which agricultural societies have been or may be formed, alphabetically arranged.

ADDINGTON: The townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, North and South Canonto, Ashby, Denbigh, Loughborough and Bedford and the village of Newburgh.

ALGOMA, West: That part of the territory forming the provisional judicial district of Thunder Bay which lies west of eighty-seven degrees west longitude.

ALGOMA, East: The territory forming the provisional judicial district of Algoma, together with that part of the provisional judicial district of Thunder Bay which lies east of eighty-seven degrees west longitude.

BRANT, North: The townships of South Dumfries, Onondaga, the northerly portion (hereinafter described) of the township of Brantford, and the town of Paris.

BRANT, South: The townships of Burford, Oakland, Tuscarora, the southerly portion of the township of Brantford, and the city of Brantford.

The said northerly portion of the township of Brantford includes and consists of all that portion of the said township which lies on the northerly side of the Grand river; and the said southerly portion of the said township includes and consists of all the remainder of the said township of Brantford.

BROCKVILLE: The town of Brockville, the township of Elizabethtown, the township called Front of Yonge, the township called Rear of Yonge and Escott, and the village of Athens.

BRUCE, South: The townships of Brant, Carrick, Culross and Kinloss, the town of Walkerton, and the villages of Lucknow and Teeswater.

BRUCE, Centre: The townships of Greenock, Kincardine, Elderslie and Huron, the town of Kincardine, and the villages of Paisley and Chesley.

BRUCE, North: The townships of Bury St. Edmunds, Lindsay, Eastnor, Albemarle, Amabel, Arran, Saugeen and Bruce, the town of Wiarton, and the villages of Southampton, Port Elgin, Tara, and Tiverton.

CARDWELL: The townships of Caledon, Albion, Adjala and Tecumseth, and the villages of Bolton, Beeton, and Tottenham.

CARLETON: The townships of Fitzroy, Goulbourn, Gower North, Huntley, March, Marlborough, Nepean and Torbolton, and the villages of Richmond, Ottawa East, and Hintonburgh.

CORNWALL: The town of Cornwall and the township of Cornwall.

DUFFERIN: The townships of Mono, Melancthon, Amaranth, Garafraxa and Mulmur, the town of Orangeville, and the village of Shelburne.

DUNDAS: The townships of Matilda, Mountain, Williamsburgh and Winchester, and the villages of Iroquois, Morrisburg, Chesterville, and Winchester.

DURHAM, East: The townships of Cavan, Manvers and Hope, the town of Port Hope, and the village of Millbrook.

DURHAM, West: The townships of Clarke, Darlington and Cartwright, the town of Bowmanville, and the village of Newcastle.

ELGIN, East: The townships of Bayham, Malahide, Yarmouth, South Dorchester, the city of St. Thomas, the town of Aylmer, and the villages of Vienna and Springfield.

ELGIN, West: The townships of Southwold, Dunwich and Aldborough, and the villages of Port Stanley and Dutton.

ESSEX, North: The townships of Tilbury West, Tilbury North, Rochester, Maidstone, Sandwich East, Sandwich South and Sandwich West, the city of Windsor, the towns of Sandwich and Walkerville, and the village of Belle River.

ESSEX, South: The townships of Mersea, North Gosfield, South Gosfield, North Colchester, South Colchester, Malden and Anderdon, the towns of Amherstburgh, Leamington and Essex, the village of Kingsville, and the municipality of Pointe au Pelée Island.

FRONTENAC: The townships of Kingston, Wolfe Island, Pittsburgh, Howe Island and Storrington, and the villages of Garden Island and Portsmouth.

GLENGARRY: The townships of Charlottenburgh, Kenyon, Lancaster and Lochiel, and the villages of Alexandria, Lancaster, and Maxville.

GREY, North: The townships of St. Vincent, Sydenham, Sullivan, Derby, Keppel and Sarawak, and the towns of Owen Sound and Meaford.

GREY, South: The townships of Bentinck, Glenelg, Normanby and Egremont, and the town of Durham.

GREY, East: The townships of Osprey, Collingwood, Proton, Artemesia, Euphrasia and Holland, the town of Thornbury, and the villages of Dundalk and Markdale.

HALDIMAND: The townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole and Dunn, and the villages of Caledonia, Cayuga, and Hagersville.

HALTON: The townships of Esquesing, Nassagaweya, Nelson, Trafalgar, the towns of Milton and Oakville, and the villages of Acton, Burlington, and Georgetown.

HAMILTON, city of.

HASTINGS, North: The townships of Rawdon, Huntingdon, Elzevir, Madoc, Marmora, Lake, Tudor, Bangor, Carlow, Cashel, Dungannon, Faraday, Grimsthorpe, Herschel, Limerick, Mayo, McClure, Monteagle, Wicklow, Wollaston, Sabine, Lyell, Airy, Murchison, and Robinson, the villages of Madoc and Stirling, and any other surveyed townships lying to the north of the said North Riding.

HASTINGS, East: The townships of Thurlow, Tyendinaga and Hungerford, the town of Deseronto, and the village of Tweed.

HASTINGS, West: The city of Belleville, the township of Sydney, and the town of Trenton.

HURON, South: The townships of Tuckersmith, Usborne, Stephen, Hay and Stanley, and that portion of the township of Goderich south of the line known as "the 6th line" and Huron road, the town of Seaforth, and the villages of Bayfield and Exeter.

HURON, East: The townships of Howick, Grey, Morris, McKillop, and those parts of Hullett and Turnberry respectively which lie east of the road commonly called the Gravel road, and the villages of Blyth, Brussels, and Wroxeter.

HURON, West: The townships of Ashfield, Wawanosh (East and West), Colborne, and those parts of Hullett and Turnberry respectively which lie west of the road commonly called the Gravel road, and that part of the township of Goderich north of the said Huron road and "cut line," and the towns of Goderich, Clinton, and Wingham.

KENT, East: The townships of Zone, Camden (with the Gore thereof), Orford, Howard and Harwich, the towns of Bothwell, Blenheim, Dresden, Ridgetown and the village of Thamesville.

KENT, West: The townships of Romney, East Tilbury, Raleigh, Dover East, Dover West, and Chatham, the town of Chatham, and the villages of Tilbury Centre and Wallaceburg.

KINGSTON, city of.

LAMBTON, East: The townships of Bosanquet, Warwick, Plympton, Brooke and Euphemia, the town of Forest, the villages of Alvinston, Arkona, Thedford, Wyoming, and Watford.

LAMBTON, West: The townships of Sombra, Dawn, Moore, Enniskillen and Sarnia, the towns of Sarnia and Petrolia, and the villages of Oil Springs and Point Edward.

LANARK, North: The townships of Sherbrooke North, Dalhousie, Lanark, Ramsay, Lavant, Darling and Pakenham, the towns of Almonte and Carleton Place, and the village of Lanark.

LANARK, South: The townships of Montague, Elmsley North, Burgess North, Sherbrooke South, Beckwith, Drummond, Bathurst, and the towns of Perth and Smith's Falls.

LEEDS AND GRENVILLE, North: The townships of Kitley, Elmsley South, Wolford, Oxford and South Gower, and the villages of Kemptville and Merrickville.

LEEDS, South: The townships of Front of Escott, Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, South Crosby, North Crosby, Bastard, and South Burgess, the town of Gananoque and the village of Newboro'.

GRENVILLE, South: The townships of Edwardsburgh and Augusta, the town of Prescott, and the village of Cardinal.

LENNOX: The townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernestown and Amherst Island, the town of Napanee, and the village of Bath.

LINCOLN: The townships of Clinton, Grantham, Grimsby South, Grimsby North, and Louth, the city of St. Catharines, and the villages of Grimsby, Merritton, Beamsville, and Port Dalhousie.

LONDON, city of.

MANITOULIN: The islands as follows, Great Manitoulin, Cockburn, Barrie, Fitzwilliam, Lonely, Club, Wall, Rabbit; all islands lying between these islands, between headlands on these islands, and all lying south of Manitoulin Island.

MIDDLESEX, North: The townships of McGillivray, Biddulph, Williams East, Williams West, Adelaide and Lobo, the town of Parkhill, and the villages of Ailsa Craig and Lucan.

MIDDLESEX, East: The townships of West Nissouri, North Dorchester, Westminster and London, and the village of London West.

MIDDLESEX, West: The townships of Delaware, Caradoc, Metcalf, Mosa and Ekfrid, the town of Strathroy, and the villages of Glencoe, Newbury, and Wardsville.

MONCK: The townships of Canborough, Moulton, Sherbrooke, Caistor, Gainsborough, Pelham and Wainfleet, and the village of Dunnville.

MUSKOKA: The townships of Baxter, Brunel, Cardwell, Chaffey, Draper, Franklin, Freeman, Gibson, Macaulay, McLean, Medora, Monck, Morrison, Muskoka, Oakley, Ridout, Ryde, Sinclair, Stephenson, Stisted, Watt, Wood, the towns of Gravenhurst and Bracebridge, and the village of Huntsville, together with the islands in the Georgian Bay lying west of the said territory and adjacent thereto, and the islands in the river Severn lying northerly of the middle of the main channel of the river Severn and adjacent to the townships of Baxter, Wood, and Morrison.

NIAGARA: Town and township of Niagara.

NIPISSING East: That portion of the electoral district of Nipissing comprising the townships of Cameron, Papineau, Calvin, Bonfield, Ferris, Chisholm, Boulter and Lauder, and the townships in the said district lying to the north of the River Mattawa and to the east of the easterly boundary line of the townships of Widdifield, Mulock, Hart and Garrow, and the said boundary line continued north to the Ottawa River.

NIPISSING, West: That portion of the electoral district of Nipissing not contained as above stated in the district of Nipissing East.

NORFOLK, North: The townships of Middleton, Townsend and Windham, the town of Simcoe, and the villages of Waterford and Delhi.

NORFOLK, South: The townships of Charlotteville, Houghton, Walsingham and Woodhouse, with the Gore thereof, and the villages of Port Dover and Port Rowan.

NORTHUMBERLAND, East: The townships of Cramahe, Brighton, Murray, Seymour and Percy, and the villages of Brighton, Campbellford, Colborne, and Hastings.

NORTHUMBERLAND, West: The townships of Hamilton, Haldimand, Alnwick, and the town of Cobourg.

ONTARIO, North: The townships of Reach, Uxbridge, Brock, Scott, Thorah, Mara, Rama and Scugog, the town of Uxbridge, and the village of Port Perry, Cannington and Beaverton.

ONTARIO, South: The townships of Whitby, East Whitby, and Pickering, and the towns of Whitby and Oshawa.

OTTAWA, city of.

OXFORD, North: The townships of East Nissouri, East Zorra, West Zorra, Blandford, Blenheim, the town of Woodstock, and the village of Embro.

OXFORD, South: The townships of North Oxford, West Oxford, East Oxford, North Norwich, South Norwich and Dereham, the towns of Ingersoll and Tilsonburg, and the village of Norwich.

PARRY SOUND, East: That portion of the electoral district of Parry Sound, as at present constituted, lying to the east of the westerly boundary lines of the townships of McMurrich, Ryerson, Chapman, Lount, Pringle, and Patterson.

PARRY SOUND, West: That portion of the electoral district of Parry Sound, as at present constituted, not included as above in the district of Parry Sound, East.

PEEL: The townships of Chinguacousy, Toronto and the Gore of Toronto, the town of Brampton, and the village of Streetsville.

PERTH, North: The townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, the city of Stratford, the town of Listowel and the village of Milverton.

PERTH, South: The townships of Blanshard, Downie, South Easthope, Fullarton and Hibbert, and the towns of Mitchell and St. Marys.

PETERBOROUGH, East: The townships of Otonabee, Douro, Asphodel, Dummer, Belmont, Methuen, Burleigh, Anstruther and Chandos, and the villages of Ashburnham, Havelock, and Norwood.

PETERBOROUGH, West: The townships of South Monaghan, North Monaghan, Smith, Ennismore, Harvey, Galway and Cavendish, the town of Peterborough, and the village of Lakefield.

PRESCOTT: The townships of Alfred, Caledonia, Hawkesbury East, Hawkesbury West, Longueuil, Plantagenet North, and Plantagenet South, and the villages of Hawkesbury and L'Orignal.

PRINCE EDWARD: The Townships of Ameliasburgh, Athol, Hallowell, Hillier, Marysburgh North, Marysburgh South, and Sophiasburgh, the town of Picton and the village of Wellington.

RENFREW, North: The townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petewawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria and Clara, the town of Pembroke, and any surveyed townships lying north westerly of the said north riding.

RENFREW, South: The townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns, and Jones, the town of Renfrew, and the villages of Arnprior and Eganville.

RUSSELL: The townships of Cambridge, Clarence, Cumberland, Gloucester, Osgoode and Russell, and the villages of Rockland and Casselman.

SIMCOE, East: The townships of Tiny, Tay, Orillia, Matchedash, Medonte and Oro, the towns of Orillia, Penetanguishene and Midland.

SIMCOE, West: The townships of Vespra, Flos, Sunnidale, and Nottawasaga, the towns of Barrie, Collingwood and Stayner, and the village of Creemore.

SIMCOE, South: The townships of Tosorontio, Essa, Innisfil, and West Gwillimbury, the town of Alliston and the villages of Bradford and Allandale.

STORMONT: The townships of Finch, Osnabruck, and Roxborough.

TORONTO, city of.

VICTORIA, North: The townships of Eldon, Carden, Dalton, Fenelon, Bexley, Laxton, Digby, Longford and Somerville; and the provisional county of Haliburton, and the villages of Fenelon Falls and Woodville.

VICTORIA, South: The townships of Ops, Mariposa, Emily, Verulam, the town of Lindsay, and the villages of Bobcaygeon and Omemee.

WATERLOO, North: The northerly portion, hereinafter described, of the township of Waterloo, the townships of Woolwich and Wellesley, and the towns of Berlin and Waterloo, and the village of Elmira.

WATERLOO, South: The southerly portion of the said township of Waterloo, the townships of North Dumfries and Wilmot, the town of Galt, and the villages of Ayr, Hespeler, New Hamburg and Preston.

The said northerly portion of the township of Waterloo shall include and consist of that part of the said township lying within the following limits, that is to say: Commencing at the southwest angle of lot number forty-six in the said township ; thence easterly along the southerly limits of the said lot, and of the lots numbers forty-seven, forty-eight, fifty, fifty-one and fifty-three, and the prolongation thereof, to the middle of the Grand River; thence along the middle of the said river, against the stream, to the prolongation of the limits between lots numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the limit between the said lots numbers one hundred and thirteen and one hundred and fourteen and along the limits between the said lots one hundred and thirteen and one hundred and fourteen, northerly and easterly, to the westerly limits of lot one hundred and seven ; thence along the westerly limits of the said lot number one hundred and seven northerly to the northerly limits thereof ; thence along the northerly limits of the said lot number one hundred and seven and of lots numbers one hundred and six, eighty-four and ninety-six easterly to the easterly boundary of the said township; thence along the easterly, northerly and westerly boundaries of the said township in a northerly, westerly and southerly direction, respectively, to the place of beginning ; and the said southerly portion of the said township of Waterloo shall include and consist of all the remaining part of the said township.

WELLAND: The townships of Bertie, Crowland, Humberstone, Stamford, Thorold, Willoughby, the towns of Niagara Falls, Thorold and Welland, and the villages of Chippewa, Fort Erie, Niagara Falls South, and Port Colborne.

WELLINGTON, South : The townships of Guelph, Puslinch and Eramosa, and the city of Guelph.

WELLINGTON, Centre: The townships of Pilkington, Nichol, Erin, West Garafraxa, East Luther, West Luther and the villages of Fergus, Erin, and Elora.

WELLINGTON, West: The townships of Arthur, Minto, Maryborough and Peel, the towns of Palmerston, Mount Forest and Harriston, and the villages of Arthur, Clifford, and Drayton.

WENTWORTH, North: The townships of Beverley, Flamborough West, Flamborough East, the town of Dundas, and the village of Waterdown.

WENTWORTH, South: The townships of Saltfleet, Binbrook, Glanford, Barton and Ancaster.

YORK, East: The townships of Markham and Scarborough, that portion of the township of York lying east of Yonge street, the town of North Toronto, and the villages of Markham and East Toronto.

YORK, West: The townships of Etobicoke and Vaughan, that portion of the township of York lying west of Yonge street, the town of Toronto Junction, and the villages of Richmond Hill, Weston, and Woodbridge.

YORK, North: The townships of King, Whitchurch, Georgina, East Gwillimbury and North Gwillimbury, the towns of Newmarket and Aurora, and the villages of Sutton, Holland Landing, and that part of the village of Stouffville which formerly formed part of the township of Whitchurch.

NOTE.—The townships hereinbefore mentioned include all towns and incorporated villages situated within the limits thereof respectively.

SCHEDULE C.

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Agriculture and Arts Act*, to be called the district (*or* township), agricultural (*or* horticultural) society of the district (*or* township, *or* city, *or* town, or incorporated village) of ; and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names.	$ cts.

R. S. O., 1887, c. 39, Sched. B.

SCHEDULE D.

AFFIDAVIT AS TO SUBSCRIPTIONS TO DISTRICT, TOWNSHIP, OR HORTICULTURAL SOCIETY.

County of }
To wit: }

I, *A B*, of the township of , Treasurer of the Agricultural (*or* Horticultural) Society of the of make oath and say that the sum of has been paid into my hands, as and for the members' subscriptions for this year, in accordance with the list herewith sent to the Minister of Agriculture; and that the said sum is now in my hands, or has already been disposed of according to law.

Sworn before me this day of , A.D., 18 }
C. D., }
Justice of the Peace for the County of } *A. B.*

R. S. O., 1887, c. 39, Sched. D.

SCHEDULE E.

Know all men by these presents that we, *A. B.*, treasurer of the society (*or* association) of the of in the county of , Esquire, and *C. D.*, of the of , in the county of , gentleman (*if more than one surety is required, insert here the names of the others in like manner*), do hereby jointly and severally, for ourselves and for each of our heirs, executors and administrators, covenant and promise that the said *A. B.*, as treasurer of the society (*or* association), shall well and truly account for and pay over to the society (*or* association), or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows: that is to say, against the said *A. B.*, in the whole $ (*the amount fixed by the board of directors*) against the said *C. D.*, $ (*the amount fixed by the board of directors*) (*if more sureties were required by the board, here add the names and amounts in like manner.*)

In witness whereof we have to these presents set our hands and seals this day of , A.D. 18 .

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered }
in presence of }
E. F.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate and amend the Agriculture and Arts Act.

First Reading, 19th March, 1895.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 132.] **BILL.** [1895.

This Bill consolidates the following Acts:—
R.S.O., 1887, chap. 39.
51st Vict., chap. 8; 52nd Vict., chap. 9; 54th Vict., chap. 10.
56th Vict., chap. 9; 57th Vict., chap. 17.

An Act to consolidate and amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Agriculture and Arts Act, 1895.* R. S. O. 1887, c. 39, s. 1. **Short title.**

2. In the construction of this Act, **Interpretation.**

1. "Department" shall mean the "Department of Agriculture." **"Department."**

2. "Minister" shall mean the "Minister of Agriculture" for the Province of Ontario.

3. "Division" shall mean a Division composed of Districts as set forth in schedule A annexed to this Act.

4. District shall mean a District composed of municipalities as set forth in schedule B annexed to this Act.

5. "District Society" shall mean "District Agricultural Society."

6. "Township Society" shall mean "Township Agricultural Society." R. S. O. 1887, c. 39, s. 2.

3. All agricultural and horticultural societies, and all associations organized under any former *Agriculture and Arts Act*, shall continue except so far as they may be altered or affected by this Act. R. S. O. 1887, c. 39, s. 3.

4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. R. S. O. 1887, c. 39, s. 4. **Minister to decide disputes.**

Minister may appoint persons to inspect accounts of societies, etc.

5. The Minister may appoint any person or persons to inspect the books and accounts of any society, association or body in the Province receiving Government aid, under or by virtue of this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such society or body whenever required so to do, shall submit the book and accounts thereof to such inspection and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society or body. R. S. O. 1887, c. 39, s. 5.

District Agricultural, Township Agricultural and Horticultural Societies.

When societies may be organized.

6.—(1) A district agricultural society may be hereafter organized in each of the districts set forth in schedule B, annexed to this Act; a township agricultural society may be hereafter organized in any township, and a horticultural society may be hereafter organized in any city, town or incorporated village. R. S. O. 1887, c. 39, s. 35 (1) 46.

(2) Any two or more townships may unite for the purpose of organizing a township society, and any two or more adjacent incorporated villages, towns or cities may unite for the purpose of organizing a horticultural society.

Mode of organization.

7. The mode of organization shall be as follows:

(*a*) A declaration in the form of schedule C to this Act shall be signed by those persons (residents of the municipality or municipalities in which the society is organized) desiring to organize a society under this Act. In the case of a district agricultural society the number of such persons shall be at least eighty, and in the case of a township agricultural or a horticultural society the number shall be at least fifty where the number of ratepayers is two hundred or over, and at least thirty where the number of ratepayers is less than two hundred. R.S.O., 1887, chap. 39, sec. 35 (3), sec. 46.

(*b*) No person shall be considered a member of any district, township or horticultural society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year.

(*c*) Within one month after the money has been so paid a true copy of the said declaration, with names and addresses of the signers of the same, shall be transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the society. R. S. O., 1887, c. 39, s. 35 (3) *part.*

(*d*) The first meeting of the district society shall be held on the third Wednesday of January next ensuing, and the first meeting of the township or horticultural society shall be held on the second Wednesday of January next ensuing, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the district and also by printed placards or bills posted in local places of common resort. R. S. O., 1887, c. 39, s. 35 (3).

(*e*) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, who together shall form the board of directors, a majority of which board shall be resident in the municipality or municipalities in which the society is organized. At the said first meeting the society shall appoint two auditors for the ensuing year. *See* R. S. O., 1887, c. 39, ss. 40, 51.

(*f*) The board of directors from among themselves or otherwise shall appoint a secretary and a treasurer or a secretary-treasurer. *See* R. S. O., 1887, c. 39, ss. 40, 51.

(*g*) A report of the organization meeting certified by the president and secretary and containing a statement of the number of members and a list of the officers elected and appointed shall be sent within one week after the holding of the meeting to the Department. R. S. O., 1887, c. 39, s. 35 (3).

Designation of societies.

8. Upon the receipt of such report the society so organized shall be deemed a district agricultural, the township agricultural or the horticultural society, as the case may be. The district societies shall bear the name of the district, as set forth in schedule B, and the township and the horticultural societies shall bear the names of the municipality or municipalities wherein they are situated; and each society so constituted and recognized shall be entitled to the legislative grant hereinafter provided and to enjoy all the privileges granted by this Act. R. S. O., 1887, c. 39, s. 35 (3), 47 (1).

Objects of societies.

9.—(1) The objects of district and township societies shall be to encourage improvement in agriculture, horticulture, manufactures and the useful arts:—

(*a*) By importing and otherwise procuring seeds, plants and animals of new and valuable kinds;

(*b*) By offering prizes for essays on questions of scientific inquiry relating to agriculture, horticulture, manufactures, and the useful arts;

(*c*) By awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of agricultural or horticultural implements

and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art. R.S.O., 1887, c. 39, sec. 37.

Horticultural societies.

(2) The objects of horticultural societies shall be to encourage improvement in horticulture:—

(*a*) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture;

(*b*) By promoting the circulation of horticultural periodicals;

(*c*) By importing and otherwise procuring seeds and plants of new and valuable kinds;

(*d*) By offering prizes for essays on questions of scientific inquiry relating to horticulture;

(*e*) By awarding premiums for the invention or improvement of horticultural implements and machinery, the production of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any horticultural production and operation. R.S.O., 1887, c. 39, s. 37.

Application of funds.

(3) None of the funds of any of such societies, howsoever derived, shall be expended for any purpose inconsistent with those above mentioned. R.S.O., 1887, c. 39, s. 38.

Annual meetings.

10.—(1) The annual meeting of every society shall be held in each year as follows: that of a township agricultural society on the second Wednesday of January at one o'clock in the afternoon; that of a horticultural society on the second Wednesday of January at half past seven o'clock in the evening; that of a district agricultural society on the third Wednesday of January at one o'clock in the afternoon, except in the case of city district societies which shall hold their meetings at half past seven o'clock in the evening.

Notice of meetings.

(2) At least two weeks' previous notice of all such meetings shall be given by advertisement in one or more newspapers published in the municipality or municipalities to which the society belongs and also by printed placards or bills posted in places of common resort. R.S.O., 1887, c. 39, s. 39, 51.

(3) In case any society shall, through any cause, fail to hold its annual meeting at the time appointed, the Minister, on petition of 20 members, may appoint a time for holding the same before the first day of April in the same year, the meeting to be called as for the regular annual meeting, and this meeting shall in all particulars be taken as the annual meeting of the society.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September being less than the number required for organization, the society shall cease to exist.

11. *In addition to any other business the following* business shall be transacted at the annual meeting:— Business to be transacted at annual meetings.

(*a*) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount paid by each being set opposite to his name, the amount offered and also the amount awarded in prizes *for* each kind of live stock, agricultural products, implements, domestic products or other objects respectively, the number of entries in each class, together with such remarks and suggestions upon the agriculture and horticulture of the district, and the arts and manufactures therein as they are enabled to offer. R. S. O., 1887, c. 39, s. 41. Annual report.

(*b*) In the case of horticultural societies the said information shall be with reference to horticulture and arts only. R. S. O., 1887, c. 39, s. 52.

(*c*) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors. R. S. O., 1887, c. 39, s. 41 (2), 52.

(*d*) The officers and other directors shall be elected by the members as required by section 7(*d*). R. S. O., 1887, c. 39, s. 40, 51.

12. The *said* reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall also be sent within one month to the Department and the Minister may require all such reports to be made out on schedules to be supplied by the department in such form as he may direct. *See* R. S. O., 1887, c. 39, s. 42. Recording reports.

13. The members of each society *may* at an annual meeting or at a special meeting, of which two weeks' previous notice has been given by advertisement as in section 10(2) make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have full power to act for and in behalf of the society and all grants and other funds of the society shall be received and expended under their direction. *See* R. S. O., 1887, c. 39, ss. 43 (2), 49. By-laws and regulations,—powers of directors.

14. The first meeting of the board of directors of a society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment, or be called by written notice given by authority of the president, or in his absence of the *first* vice-president, or in the absence or on the neglect of the president or vice-president, then on the written request of any three of the directors, at least one Meetings, when and how called.

week before the day appointed, and at any meeting five shall be a quorum. R. S. O., 1887, c. 39, s. 43, 49.

Societies to be bodies corporate.

15.—(1) All district, township and horticultural societies now or hereafter organized, shall be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions and, subject to the approval of a meeting of the society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such societies.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in one or more newspapers published in the county or district and by printed placard; and at such meeting only those persons shall be entitled to vote who are members for the current year and who were also members for the two previous years. R. S. O., 1887, c. 39, s. 36

Dissolution of union societies.

16. Where two or more municipalities have been united to form a township or a horticultural society a dissolution of such union society may be effected in the following manner: a petition requesting a dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and provided the number so signing is equal to the number required for the organization of a new society as in section 7(*a*), the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former *union* society shall thereupon become dissolved and shall cease to exist. R. S. O., 1887, c. 39, s. 54.

Apportionment of assets on dissolution of union society.

17. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the senior county judge or the stipendiary magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the senior judge of the county or the stipendiary magistrate, for final decision. R. S. O., 1887, c. 39, ss. 44, 54.

Powers as to lands.

18. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the society as provided in section 15. R.S.O., 1887, c. 39, s. 56.

Proofs required to be furnished by societies.

19. On or before the first day of September in each year the officers of every district, township and horticultural society shall send to the Department an affidavit, which may be sworn to before any justice of the peace, in the form of schedule D annexed to this Act, stating the number of members and the total amount paid in at that time for membership fees to the officers of the society for the current year. R S.O., 1887, c. 39, s. 57.

Conditions of grant.

20. Every district society, every township society and every horticultural society organized under or recognized by this Act, shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Department, and upon the following conditions:—

(*a*) That the number of paid-up members for the current year is not less than the number required for organization.

(*b*) That all reports and returns required by this Act have been made to the satisfaction of the Minister. (*New.*)

(*c*) That the annual meeting has been held as required and officers elected, in accordance with section 11.

(*d*) That the objects of the said society as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects. *See* R. S. O., 1887, c. 39, ss. 57 (1), 58 (1), (2).

21. The division of the legislative grant for each district shall be made as follows:—

Apportionment of shares in grant.

(*a*) An amount not exceeding $420 shall be subject to division among the township and the horticultural societies of each district; to be divided in proportion to the number of paid-up members as reported by affidavit on or before September 1st, but any one society shall not receive more than $140, nor shall any one society receive more than three times the amount reported as paid up by its members. R.S.O., 1887, c. 39, s. 59.

(*b*) In case a township or a horticultural society is situated within two districts it shall receive from each of the grants made to these districts, but in the proportion of only one-half of the number of its members in each case. R.S.O., 1887, c. 39, s. 53 (*part*).

(*c*) The remainder of the legislative grant for each district after thus paying to the township and horticultural

societies (if there are any such) the moneys to which they are entitled, shall be payable to the district society. (*New.*)

(*d*) The district of the city of Toronto shall not receive more than $550 in any year; and the districts of the city of Kingston, the city of Hamilton, the city of London, the city of Ottawa, the town and township of Cornwall, and the town and township of Niagara, shall not receive more than $350 respectively, in any year. R. S. O., 1887, c. 39, s. 57 (2).

☞(*d*) By carrying on experiments in the growing of crops, the feeding of stock or any other branch of agriculture, or by testing any system of farming through arrangement with one or more farmers of the municipality in which the society is organized.☜

☞(*e*) The districts of North Muskoka and South Muskoka shall not receive in any year more than $600, of which not more than $220 shall be subject to division among the township and horticultural societies, and of which no single township society shall receive more than $100.☜

EXHIBITIONS.

Where exhibitions to be held.

22.—(1) The exhibition of any society shall be held within the limits of the municipality or municipalities in which the society is organized, and in case of a union of two or more societies it shall be held within the limits of the municipalities included in the union; the place to be decided by a by-law or regulation of the society. *See* R. S. O., 1887, c. 39, s. 62.

Changing place of holding exhibitions.

(2) Whenever the members of any district or township society have by by-law or resolution fixed upon a place or places for holding the exhibition or exhibitions of such society for any year or years then the place or places for holding such exhibition or exhibitions shall not be changed except by the decision of a majority of the qualified voters, as follows:—

(*a*) A special meeting shall be called by the board of directors for the expressed purpose of considering the question.

(*b*) At least two weeks' previous notice of such meeting shall be given by advertisement as in section 10 (2).

(*c*) Only paid-up members for the current year who were also members in the previous year shall be qualified to vote.

(*d*) The meeting shall be called for ten o'clock in the forenoon, and if a poll is demanded it shall be opened at once and remain open until six o'clock except that it may be closed by the presiding officer of the society if at any time one hour elapses without any vote being polled. *See* R. S. O., 1887, c. 39, s. 62, *amended.*

23. Any two or more district societies, or a district society and any township or horticultural society or societies, or any two or more such township or horticultural societies, or the society of a city district and any township or horticultural society or societies adjoining such city district, may, by agreement between the officers or a majority of the officers of each such society, unite their funds or any portion thereof for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra exhibitions, or for plowing matches, or for any other purpose likely to promote agriculture, horticulture, arts and manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the society called for the purpose, at which meeting only paid-up members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. R. S. O., 1887, c. 39, s. 63. Union of district and township societies.

24.—(1) The exhibitions of any township society shall be held at such place as shall afford sufficient accommodation for such exhibitions; but no separate township exhibition shall be held within five miles of the place at which the district exhibition is held for any year in the same township; but a township society may unite with a district society, and may merge its funds with those of a district society for that year, and if so merged the members of such township society shall be entitled to all the privileges of members of the district society at the exhibition, and the president, vice-president and directors of such township society shall be co-directors with the directors of the district society for the conducting and management of such exhibitions. Township societies exhibition.

(2) But where a township society unites with a district society other than the district society within the limits of which the township is situated, the township society shall only be entitled to share in the distribution of the government grant upon the amount of members' subscriptions paid by members resident within the township, and the secretary of the township society in his returns to the Department shall distinguish the members so resident from other members. R. S. O., 1887, c. 39, s. 64.

25. The board of directors of any association or society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such exhibition. R. S. O., 1887, c. 39, s. 78. Frauds at exhibitions.

Keeping the Peace at Exhibitions.

Justices of the peace may appoint policemen, etc.

26. Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition may be held shall, on the request of the president or executive committee of any agricultural or horticultural society, appoint as many policemen or constables as may be required at the expense of the said association or of such society, said policemen or constables to be named by such association or society, whose duty it shall be to protect the property of such association or society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such association or society. R. S. O., 1887, c. 39, s. 82.

Penalty for obstructing officers or gaining admission contrary to rules.

27. If any person wilfully hinders or obstructs the officers or servants of any agricultural or horticultural society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such association or society, he shall be liable to a fine of not less than $1 nor more than $20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such association or society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days. R. S. O., 1887, c. 39, s. 83.

Gambling, etc., to be prevented.

28.—(1) The officers of any such association or society may by their rules and regulations prohibit and prevent all kinds of theatrical *or* circus *or acrobatic* performances, exhibitions or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said association or society, and be subject to the penalty prescribed by the next preceding section. R. S. O., 1887, c. 39 s. 84.

Penalty.

(2) The officers of any such association or society shall prevent all kinds of gambling and all games of chance at the place of holding the exhibition or fair, or within 300 yards thereof, and any association or society permitting the same shall forfeit all claim to any Legislative grant during the year next ensuing.

Horse racing prohibited during exhibitions.

29.—(1) It shall not be lawful to carry on any horse racing other than trials of speed under the control and regulation of the officers of the society during the days appointed for holding any exhibition by any district or township society, at the place of holding the exhibition or within five miles thereof.

Penalty.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding $50, or imprisonment in the common gaol of the county for a period not exceeding thirty days. R. S. O., 1887, c. 39, s. 86.

OTHER ASSOCIATIONS.

30. The following societies, organizations or associations, whether heretofore incorporated or not, shall be or continue to be bodies corporate under the provisions of this Act, the membership of each to comprise not less than 50 persons, each paying at least $1 annual membership fee : Other societies under operation of Act.

The Ontario Fruit Growers' Association.

The Entomological Society of Ontario.

The Dairymen's Association of Eastern Ontario.

The Dairymen's Association of Western Ontario.

The Ontario Creameries Association.

The Poultry Association of Ontario.

The Eastern Ontario Poultry and Pet Stock Association.

The Ontario Bee-keepers' Association.

The Ontario Agricultural and Experimental Union.

The Dominion Sheep Breeders' Association.

The Dominion Swine Breeders' Association.

See R. S. O., 1887, c. 39, s. 65. (*Additions.*)

31.—(1) Each of such associations shall hold an annual meeting at such time and place as may be determined upon by the members ; and each association shall at such annual meeting elect a president, one or two vice-presidents and also not less than five or more than nine directors, all of whom shall constitute the board of directors. The Ontario Fruit Growers' Association, and the Ontario Creameries Association, shall each elect one director from each division as set forth in schedule A to this Act. The Dairymen's Association of Eastern Ontario shall elect one director from each of the divisions No. 1, 2, 3, 4, 5, 6 in said schedule A ; The Dairymen's Association of Western Ontario shall elect one director from each of the divisions No. 7, 8, 9, 10, 11, 12, 13 in said schedule A ; The Eastern Ontario Poultry and Pet Stock Association shall elect one director from each of the divisions No. 1, 2, 3 and 4 in said schedule A ; The Poultry Association of Ontario shall elect one director from each of the divisions No. 5, 6, 7, 8, 9, 10, 11, 12 and 13 in said schedule A ; The Ontario Entomological Society shall elect five directors, one from each of five divisions, to be arranged by themselves at their annual meeting. The other associations shall arrange for the representation of directors by by-law. The board of directors so elected shall appoint from among themselves or otherwise, a secretary and a treasurer (or a secretary-treasurer). *See* R. S. O., 1887, c. 39; s. 67, 52 Vict. c. 9, s. 3. Annual meetings, officers, etc.

☞(2) In addition to the directors herein provided for, the members of any association may at the annual meeting elect as an additional director any officer of the Ontario Agricultural College and Experimental Farm.☜

32.—(1) All by-laws and regulations of the said associations must be approved of by a majority of the members present at By-laws and regulations.

an annual meeting, or at a special meeting called for the purpose of considering the same, and of which at least two weeks notice shall be given by public advertisement. R. S. O., 1887, c. 39, s. 65 (1), (2).

Powers of officers.

(2) The officers shall have full power to act for and on behalf of the association, and all grants of money and other funds of the association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the association. R.S.O. 1887, c. 39, s. 67, (2).

Annual report.

33. At each annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the association, and a detailed statement of the receipts and expenditure for the previous year and of assets and liabilities, duly audited; and a copy of said report, a statement of receipts and expenditure, a statement of assets and liabilities, a list of members and a list of the officers elected, and also such general information on matters of special interest to each association that such association may have been able to obtain, shall be sent to the Minister within forty days after the holding of such annual meeting. R. S. O., 1887, c. 39, s. 68.

Conditions upon which associations shall share in Legislative grant.

34.—(1) Each of such associations shall be entitled to receive from unappropriated moneys in the hand of the Treasurer of the Province a specified sum to be placed in the estimates and voted by the Legislature for each year; provided,

(*a*) That the number of *bona fide* members, each paying an annual subscription of not less than one dollar, is at least fifty.

(*b*) That the secretary of each of the said associations shall, on or before the 1st day of September in each year, transmit to the Minister an affidavit, which may be sworn to before any justice of the peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions.

(*c*) That the general provisions of this Act have been complied with.

(*d*) That none of the funds of the association, from whatever source derived, have been expended in a manner inconsistent with the purposes of organization of the said association. R. S. O., 1887, c. 39, s. 66.

(2) In the case of each of the poultry associations the grant shall not be paid if the show or exhibition be held in any one place for two years in succession, or in any place within forty miles from the place of exhibition in the previous year. (*New.*)

Auditing accounts.

35. The Minister *may* appoint a person who *shall* audit the accounts of *any of* the various associations and this auditor shall present a report of the result of his audit to the officers of the association and also to the Minister. (*New.*)

General Provisions as to Elections.

Right of voting.

36. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any society or association *to which this Act applies* shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies. R. S. O., 1887, c. 39, s. 70.

Payment of subscriptions after poll opened not to entitle to vote.

37.—(1) No membership subscriptions for the ensuing year paid after the president or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the city district societies and the horticultural societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. R. S. O., 1887, c. 39, s. 171.

(2) In the case of *the Toronto, Hamilton, Ottawa, Kingston and London* district societies and *also in the case of all* horticultural societies the hours for opening and closing the poll shall be fixed by by-law of *each* society. (*New.*)

Vacancies.

38. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an agricultural or other society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. R. S. O., 1887, c. 39, s. 72.

Where election illegal and void.

39. In the event of an election of any officers of any association, society or other body coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been egally held shall continue to be, and shall be deemed to be, the officers of such association, society or body until their successors are legally appointed, and, in the event of any such non-election or illegal election, a special meeting of the members of such association, society or other body shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in section 10(2) in the case of the annual meeting of an electoral district society) by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the association, society or other body; and at such meeting the election of officers

shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such association, society or body. R. S. O. 1887, c. 39, s. 73.

Special meetings.

40. A special meeting of the directors of any association or society organized under this Act may be called by the president thereof, or in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. R. S. O., 1887, c. 39, s 73 (2).

Treasurer of a society to give security.

41. The treasurer of every society or other association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in the form given in schedule F to this Act or otherwise, as the board of directors or other managing officers may deem necessary for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties shall continue valid as against the parties thereto under such reappointment. R S. O. 1887, c. 29, s. 77.

Municipal Aid to Agricultural and Other Societies.

Aid from municipal councils to agricultural associations.

42.—(1) The municipal council of any city, town, village, county or township in this province may grant or loan money or grant land in aid of the Agriculture and Arts Association, or in aid of any agricultural society or horticultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister in the case of a township society; and if such grant is a loan of money to enable the said association or society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage, thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be

legal and valid. Provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, $3,000, in the case of a township or town, $2,000, and in the case of a village, $1,000. 57 Vict., chap. 17.

Agreements between municipalities and other societies for the use of buildings, etc.

(2) Any of the said municipalities owning lands or buildings for public purposes shall have power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 155 of the Revised Statutes of Ontario, 1887, or of any amendment thereto, or with any agricultural or horticultural association, for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for agricultural or industrial shows, and to give the said companies the power of renting said grounds and buildings when owned by said company to any agricultural or horticultural association formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said association, and to grant to such company or association the power to collect during said show, or at other times, as may be agreed from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any wagon, carriage or other vehicle, or for any horse or other animal which may be taken thereon, such entrance fee or other charge as the said company or association may deem necessary or expedient. R. S. O., 1887, c. 39, s. 81 (2).

Farmers' Institutes.

When farmers' institutes may be formed.

43. The formation of farmers' institutes for the purpose of disseminating information in regard to agriculture shall be permitted under this Act, one for each district, as given in schedule B to this Act, but the Lieutenant-Governor in council may, upon the recommendation of the Minister, *authorize* the organization of additional farmers' institutes or make changes in the limits of the various districts so far as farmers' institutes are concerned, in order to increase their efficiency. (*New.*)

Rules and regulations.

44. The Lieutenant-Governor in council *may*, upon recommendation of the Minister, adopt rules or regulations for the general guidance or direction of such farmers' institutes. (*New.*)

Share in Legislative grant.

45. Every farmers' institute shall be entitled to receive such money out of the unappropriated funds in the hands of the Provincial Treasurer as the Legislature may grant, provided—

(*a*) That the number of members is at least fifty, each paying an annual fee of not less than 25 cents.

(*b*) That the rules or regulations approved by the Lieutenant-Governor in council have been carefully observed.

(*c*) That all reports or returns required to be made to the Department have been made to the satisfaction of the Minister. (*New.*)

AGRICULTURE AND ARTS ASSOCIATION.

Council of association continued until 1st January, 1896.

46. The Agriculture and Arts Association, and the council of the said Association, shall be continued until the first day of January, 1896, with all the powers and privileges at present conferred by the former *Agriculture and Arts Act*, except as modified by section 47 of this Act. But on and after the first day of January, 1896, the Agriculture and Arts Association and the council of the said association shall cease to exist. (*New*).

Property held by association vested in Crown.

47. Upon the passing of this Act all the property and effects, real and personal, of what nature and kind soever vested in the said Agriculture and Arts Association or in the council of the said association or held in trust by the said association or by the said council for the purposes of the same shall, subject to the lawful debts of the association, be vested in Her Majesty for the public uses of the Province. (*New*).

HERD BOOKS AND PEDIGREES.

Stock registers.

48. The keeping of registers of pure bred stock heretofore delegated to the council of the Agriculture and Arts Association, in accordance with R. S. O., 1887, chap. 39, sec. 28, subsec. 10, is hereby transferred to the various associations or bodies corporate heretofore engaged in such work conjointly with the said council; and the Lieutenant-Governor in Council may, from time to time, appoint a person or persons on behalf of the Department of Agriculture to assist in such registration; and the salary of the person so appointed shall be payable out of the moneys set apart from year to year by the Legislature of the Province for agriculture.

Falsifying pedigrees.

49. Any person who wilfully signs any false pedigree intended for registration in any herd, flock or stud book, or who presents to the secretary or other officer having charge of the register for the purpose of having the same entered therein, any false or spurious pedigree, knowing the same to be false or spurious, shall, upon summary conviction thereof, upon information to be laid within two years from the commission of the offence, before any justice of the peace, be liable to a penalty of not more than $100 and not less than $25, together with the costs of prosecution, for each pedigree so signed or presented as aforesaid by him. 54 Vict., c. 10, s. 1.

50. The following Acts are hereby repealed :— Repealing clauses.

Revised Statutes of Ontario, 1887, chapter 39, except sections 13 to 34, inclusive, which shall continue in force until the 1st day of January, 1896.

Chapter 8 of the Acts passed in the 51st year of the reign of Her Majesty Queen Victoria.

Chapter 9 of the Acts passed in the 52nd year of the said reign.

Chapter 10 of the Acts passed in the 54th year of the said reign.

Chapter 9 of the Acts passed in the 56th year of the said reign.

Chapter 17 of the Acts passed in the 57th year of the said reign.

51. This Act, save section 48 thereof, and subject to the provisions of section 50 with regard to chapter 39 of R. S. O. of 1887, shall come into force immediately on the passing thereof, but the said section 48 shall come into force and take effect on the 1st day of January, 1896. Commencement of Act.

SCHEDULE A.

Agricultural Divisions.

1. Stormont, Dundas, Glengarry, Prescott, and Cornwall.

2. Lanark North, Lanark South, Renfrew North, Renfrew South, Carleton, Russell, and the city of Ottawa.

3. Frontenac, city of Kingston, Leeds and Grenville North, Leeds South, Grenville South, and Brockville.

4. Hastings East, Hastings North, Hastings West, Addington, Lennox, and Prince Edward.

5. Durham East, Durham West, Northumberland East, Northumberland West, Peterborough East, Peterborough West, Victoria North (including Haliburton), and Victoria South.

6. York East, York North, York West, Ontario North, Ontario South, Peel, Cardwell, and city of Toronto.

7. Wellington Centre, Wellington South, Wellington West, Waterloo North, Waterloo South, Wentworth North, Wentworth South, Dufferin, Halton, and city of Hamilton.

8. Lincoln, Niagara, Welland, Haldimand, and Monck.

9. Elgin East, Elgin West, Brant North, Brant South, Oxford North, Oxford South, Norfolk North, and Norfolk South.

10. Huron East, Huron South, Huron West, Bruce North, Bruce South, Grey East, Grey North, and Grey South.

11. Perth North, Perth South, Middlesex East, Middlesex North, Middlesex West, and city of London.

12. Essex North, Essex South, Kent East, Kent West, Lambton East, and Lambton West.

13. Algoma East, Algoma West, Simcoe East, Simcoe South, Simcoe West, Muskoka, Parry Sound East, Parry Sound West, Nipissing East, Nipissing West, and Manitoulin.

R.S.O., 1887, c. 39, Schd. A., 56 V., c. 10.

SCHEDULE B.

In the following schedule the districts into which the province is divided for the purposes of *The Agriculture and Arts Act* are arranged alphabetically. The boundaries of these divisions do not agree in many cases with the electoral division boundaries. The districts here given were established by schedules to chapter 39 of the Revised Statutes of Ontario for 1887. As agricultural societies were formed before that revision in accordance with these boundaries, and also since the revision, it has been found necessary to retain them.

For convenience of reference it may be pointed out that the following are the districts which agree with the electoral divisions as established by the Revised Statutes of 1887:—

Bruce, South, Centre and North,
Carleton,
Dundas,
Durham, East and West,
Glengarry,
Haldimand,
Halton,
Hamilton, city of,
Hastings, North, East and West,
Huron, South,
Kent, East and West,
Lambton, East and West,
Lanark, North and South,
Lennox,
Lincoln,
London, city of,
Middlesex, North, East and West,
Monck,
Muskoka,
Norfolk, North and South,
Northumberland, East and West,
Oxford, North and South,
Peel,
Peterborough, East and West
Prescott,
Prince Edward,
Renfrew, North and South,
Russell,
Waterloo, North and South,
Welland,
Wentworth, North and South,
York, North.

The following districts under *The Agriculture and Arts Act* differ from the electoral divisions:—

Addington,
Brant, North,
Brant, South,
Brockville,
Cardwell,
Cornwall,
Dufferin,
Elgin, East,
Elgin West,
Essex, North,
Essex, South,
Frontenac,
Grenville, South,
Grey, North,
Grey, South,
Grey, East,
Huron, East,
Huron, West,
Kingston, city of,
Leeds and Grenville, North,
Leeds, South,
Manitoulin,
Niagara,
Nipissing, East,
Nipissing, West,
Ontario, North,
Ontario, South,
Ottawa, city of
Parry Sound, East,
Parry Sound, West,
Peel,
Perth, North and South,
Simcoe, East, West and South,
Stormont,
Toronto, city of
Victoria, North,
Victoria, South,
Wellington, Centre,
Wellington, South,
Wellington, West,
York, East,
York, West.

The municipalities composing these districts will be found in their proper place in the subjoined list:—

Districts for which agricultural societies have been or may be formed, alphabetically arranged.

ADDINGTON: The townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, North and South Canonto, Ashby, Denbigh, Loughborough and Bedford and the village of Newburgh.

ALGOMA, West: That part of the territory forming the provisional judicial district of Thunder Bay which lies west of eighty-seven degrees west longitude.

ALGOMA, East: The territory forming the provisional judicial district of Algoma, together with that part of the provisional judicial district of Thunder Bay which lies east of eighty-seven degrees west longitude.

BRANT, North: The townships of South Dumfries, Onondaga, the northerly portion (hereinafter described) of the township of Brantford, and the town of Paris.

BRANT, South: The townships of Burford, Oakland, Tuscarora, the southerly portion of the township of Brantford, and the city of Brantford.

The said northerly portion of the township of Brantford includes and consists of all that portion of the said township which lies on the northerly side of the Grand river; and the said southerly portion of the said township includes and consists of all the remainder of the said township of Brantford.

BROCKVILLE: The town of Brockville, the township of Elizabethtown, the township called Front of Yonge, the township called Rear of Yonge and Escott, and the village of Athens.

BRUCE, South: The townships of Brant, Carrick, Culross and Kinloss, the town of Walkerton, and the villages of Lucknow and Teeswater.

BRUCE, Centre: The townships of Greenock, Kincardine, Elderslie and Huron, the town of Kincardine, and the villages of Paisley and Chesley.

BRUCE, North: The townships of Bury St. Edmunds, Lindsay, Eastnor, Albemarle, Amabel, Arran, Saugeen and Bruce, the town of Wiarton, and the villages of Southampton, Port Elgin, Tara, and Tiverton.

CARDWELL: The townships of Caledon, Albion, Adjala and Tecumseth, and the villages of Bolton, Beeton, and Tottenham.

CARLETON: The townships of Fitzroy, Goulbourn, Gower North, Huntley, March, Marlborough, Nepean and Torbolton, and the villages of Richmond, Ottawa East, and Hintonburgh.

CORNWALL: The town of Cornwall and the township of Cornwall.

DUFFERIN: The townships of Mono, Melancthon, Amaranth, Garafraxa and Mulmur, the town of Orangeville, and the village of Shelburne.

DUNDAS: The townships of Matilda, Mountain, Williamsburgh and Winchester, and the villages of Iroquois, Morrisburg, Chesterville, and Winchester.

DURHAM, East: The townships of Cavan, Manvers and Hope, the town of Port Hope, and the village of Millbrook.

DURHAM, West: The townships of Clarke, Darlington and Cartwright, the town of Bowmanville, and the village of Newcastle.

ELGIN, East: The townships of Bayham, Malahide, Yarmouth, South Dorchester, the city of St. Thomas, the town of Aylmer, and the villages of Vienna and Springfield.

ELGIN, West: The townships of Southwold, Dunwich and Aldborough, and the villages of Port Stanley and Dutton.

ESSEX, North: The townships of Tilbury West, Tilbury North, Rochester, Maidstone, Sandwich East, Sandwich South and Sandwich West, the city of Windsor, the towns of Sandwich and Walkerville, and the village of Belle River.

ESSEX, South: The townships of Mersea, North Gosfield, South Gosfield, North Colchester, South Colchester, Malden and Anderdon, the towns of Amherstburgh, Leamington and Essex, the village of Kingsville, and the municipality of Pointe au Pelée Island.

FRONTENAC: The townships of Kingston, Wolfe Island, Pittsburgh, Howe Island and Storrington, and the villages of Garden Island and Portsmouth.

GLENGARRY: The townships of Charlottenburgh, Kenyon, Lancaster and Lochiel, and the villages of Alexandria, Lancaster, and Maxville.

GREY, North: The townships of St. Vincent, Sydenham, Sullivan, Derby, Keppel and Sarawak, and the towns of Owen Sound and Meaford.

GREY, South: The townships of Bentinck, Glenelg, Normanby and Egremont, and the town of Durham.

GREY, East: The townships of Osprey, Collingwood, Proton, Artemesia, Euphrasia and Holland, the town of Thornbury, and the villages of Dundalk and Markdale.

HALDIMAND: The townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole and Dunn, and the villages of Caledonia, Cayuga, and Hagersville.

HALTON: The townships of Esquesing, Nassagaweya, Nelson, Trafalgar, the towns of Milton and Oakville, and the villages of Acton, Burlington, and Georgetown.

HAMILTON, city of.

HASTINGS, North: The townships of Rawdon, Huntingdon, Elzevir, Madoc, Marmora, Lake, Tudor, Bangor, Carlow, Cashel, Dungannon, Faraday, Grimsthorpe, Herschel, Limerick, Mayo, McClure, Monteagle, Wicklow, Wollaston, Sabine, Lyell, Airy, Murchison, and Robinson, the villages of Madoc and Stirling, and any other surveyed townships lying to the north of the said North Riding.

HASTINGS, East: The townships of Thurlow, Tyendinaga and Hungerford, the town of Deseronto, and the village of Tweed.

HASTINGS, West: The city of Belleville, the township of Sydney, and the town of Trenton.

HURON, South: The townships of Tuckersmith, Usborne, Stephen, Hay and Stanley, and that portion of the township of Goderich south of the line known as "the 6th line" and Huron road, the town of Seaforth, and the villages of Bayfield and Exeter.

HURON, East: The townships of Howick, Grey, Morris, McKillop, and those parts of Hullett and Turnberry respectively which lie east of the road commonly called the Gravel road, and the villages of Blyth, Brussels, and Wroxeter.

HURON, West: The townships of Ashfield, Wawanosh (East and West), Colborne, and those parts of Hullett and Turnberry respectively which lie west of the road commonly called the Gravel road, and that part of the township of Goderich north of the said Huron road and "cut line," and the towns of Goderich, Clinton, and Wingham.

KENT, East: The townships of Zone, Camden (with the Gore thereof), Orford, Howard and Harwich, the towns of Bothwell, Blenheim, Dresden, Ridgetown and the village of Thamesville.

KENT, West: The townships of Romney, East Tilbury, Raleigh, Dover East, Dover West, and Chatham, the town of Chatham, and the villages of Tilbury Centre and Wallaceburg.

KINGSTON, city of.

LAMBTON, East: The townships of Bosanquet, Warwick, Plympton, Brooke and Euphemia, the town of Forest, the villages of Alvinston, Arkona, Thedford, Wyoming, and Watford.

LAMBTON, West: The townships of Sombra, Dawn, Moore, Enniskillen and Sarnia, the towns of Sarnia and Petrolia, and the villages of Oil Springs and Point Edward.

LANARK, North: The townships of Sherbrooke North, Dalhousie, Lanark, Ramsay, Lavant, Darling and Pakenham, the towns of Almonte and Carleton Place, and the village of Lanark.

LANARK, South: The townships of Montague, Elmsley North, Burgess North, Sherbrooke South, Beckwith, Drummond, Bathurst, and the towns of Perth and Smith's Falls.

LEEDS AND GRENVILLE, North: The townships of Kitley, Elmsley South, Wolford, Oxford and South Gower, and the villages of Kemptville and Merrickville.

LEEDS, South: The townships of Front of Escott, Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, South Crosby, North Crosby, Bastard, and South Burgess, the town of Gananoque and the village of Newboro'.

GRENVILLE, South: The townships of Edwardsburgh and Augusta, the town of Prescott, and the village of Cardinal.

LENNOX: The townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernestown and Amherst Island, the town of Napanee, and the village of Bath.

LINCOLN: The townships of Clinton, Grantham, Grimsby South, Grimsby North, and Louth, the city of St. Catharines, and the villages of Grimsby, Merritton, Beamsville, and Port Dalhousie.

LONDON, city of.

MANITOULIN: The islands as follows, Great Manitoulin, Cockburn, Barrie, Fitzwilliam, Lonely, Club, Wall, Rabbit; all islands lying between these islands, between headlands on these islands, and all lying south of Manitoulin Island.

MIDDLESEX, North: The townships of McGillivray, Biddulph, Williams East, Williams West, Adelaide and Lobo, the town of Parkhill, and the villages of Ailsa Craig and Lucan.

MIDDLESEX, East: The townships of West Nissouri, North Dorchester, Westminster and London, and the village of London West.

MIDDLESEX, West: The townships of Delaware, Caradoc, Metcalf, Mosa and Ekfrid, the town of Strathroy, and the villages of Glencoe, Newbury, and Wardsville.

MONCK: The townships of Canborough, Moulton, Sherbrooke, Caistor, Gainsborough, Pelham and Wainfleet, and the village of Dunnville.

MUSKOKA, North: The townships of Cardwell, Stisted, Chaffey, Sinclair, Watt, Stephenson, Brunel and Franklin, and the village of Huntsville.

MUSKOKA, South: The townships of Freeman, Gibson, Baxter, Medora, Wood, Monck, Muskoka, Morrison, Macaulay, Draper, Ryde, McLean, Oakley and Ridout, and the towns of Bracebridge and Gravenhurst.

NIAGARA: Town and township of Niagara.

NIPISSING East: That portion of the electoral district of Nipissing comprising the townships of Cameron, Papineau, Calvin, Bonfield, Ferris, Chisholm, Boulter and Lauder, and the townships in the said district lying to the north of the River Mattawa and to the east of the easterly boundary line of the townships of Widdifield, Mulock, Hart and Garrow, and the said boundary line continued north to the Ottawa River.

NIPISSING, West: That portion of the electoral district of Nipissing not contained as above stated in the district of Nipissing East.

NORFOLK, North: The townships of Middleton, Townsend and Windham, the town of Simcoe, and the villages of Waterford and Delhi.

NORFOLK, South: The townships of Charlotteville, Houghton, Walsingham and Woodhouse, with the Gore thereof, and the villages of Port Dover and Port Rowan.

NORTHUMBERLAND, East: The townships of Cramahe, Brighton, Murray, Seymour and Percy, and the villages of Brighton, Campbellford, Colborne, and Hastings.

NORTHUMBERLAND, West: The townships of Hamilton, Haldimand, Alnwick, and the town of Cobourg.

ONTARIO, North: The townships of Reach, Uxbridge, Brock, Scott, Thorah, Mara, Rama and Scugog, the town of Uxbridge, and the village of Port Perry, Cannington and Beaverton.

ONTARIO, South: The townships of Whitby, East Whitby, and Pickering, and the towns of Whitby and Oshawa.

OTTAWA, city of.

OXFORD, North: The townships of East Nissouri, East Zorra, West Zorra, Blandford, Blenheim, the town of Woodstock, and the village of Embro.

OXFORD, South: The townships of North Oxford, West Oxford, East Oxford, North Norwich, South Norwich and Dereham, the towns of Ingersoll and Tilsonburg, and the village of Norwich.

PARRY SOUND, East: That portion of the electoral district of Parry Sound, as at present constituted, lying to the east of the westerly boundary lines of the townships of McMurrich, Ryerson, Chapman, Lount, Pringle, and Patterson.

PARRY SOUND, West: That portion of the electoral district of Parry Sound, as at present constituted, not included as above in the district of Parry Sound, East.

PEEL: The townships of Chinguacousy, Toronto and the Gore of Toronto, the town of Brampton, and the village of Streetsville.

PERTH, North: The townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, the city of Stratford, the town of Listowel and the village of Milverton.

PERTH, South: The townships of Blanshard, Downie South Easthope, Fullarton and Hibbert, and the towns of Mitchell and St. Marys.

PETERBOROUGH, East: The townships of Otonabee, Douro, Asphodel, Dummer, Belmont, Methuen, Burleigh, Anstruther and Chandos, and the villages of Ashburnham, Havelock, and Norwood.

PETERBOROUGH, West: The townships of South Monaghan, North Monaghan, Smith, Ennismore, Harvey, Galway and Cavendish, the town of Peterborough, and the village of Lakefield.

PRESCOTT: The townships of Alfred, Caledonia, Hawkesbury East, Hawkesbury West, Longueuil, Plantagenet North, and Plantagenet South, and the villages of Hawkesbury and L'Orignal.

PRINCE EDWARD: The Townships of Ameliasburgh, Athol, Hallowell, Hillier, Marysburgh North, Marysburgh South, and Sophiasburgh, the town of Picton and the village of Wellington.

RENFREW, North: The townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petewawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria and Clara, the town of Pembroke, and any surveyed townships lying north westerly of the said north riding.

RENFREW, South: The townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns, and Jones, the town of Renfrew, and the villages of Arnprior and Eganville.

RUSSELL: The townships of Cambridge, Clarence, Cumberland, Gloucester, Osgoode and Russell, and the villages of Rockland and Casselman.

SIMCOE, East: The townships of Tiny, Tay, Orillia Matchedash, Medonte and Oro, the towns of Orillia Penetanguishene and Midland.

SIMCOE, West: The townships of Vespra, Flos, Sunnidale, and Nottawasaga, the towns of Barrie, Collingwood and Stayner, and the village of Creemore.

SIMCOE, South: The townships of Tosorontio, Essa, Innisfil, and West Gwillimbury, the town of Alliston and the villages of Bradford and Allandale.

STORMONT: The townships of Finch, Osnabruck, and Roxborough.

TORONTO, city of.

VICTORIA, North: The townships of Eldon, Carden, Dalton, Fenelon, Bexley, Laxton, Digby, Longford and Somerville; and the provisional county of Haliburton, and the villages of Fenelon Falls and Woodville.

VICTORIA, South: The townships of Ops, Mariposa, Emily, Verulam, the town of Lindsay, and the villages of Bobcaygeon and Omemee.

WATERLOO, North: The northerly portion, hereinafter described, of the township of Waterloo, the townships of Woolwich and Wellesley, and the towns of Berlin and Waterloo, and the village of Elmira.

WATERLOO, South: The southerly portion of the said township of Waterloo, the townships of North Dumfries and Wilmot, the town of Galt, and the villages of Ayr, Hespeler, New Hamburg and Preston.

The said northerly portion of the township of Waterloo shall include and consist of that part of the said township lying within the following limits, that is to say: Commencing at the southwest angle of lot number forty-six in the said township ; thence easterly along the southerly limits of the said lot, and of the lots numbers forty-seven, forty-eight, fifty, fifty-one and fifty-three, and the prolongation thereof, to the middle of the Grand River; thence along the middle of the said river, against the stream, to the prolongation of the limits between lots numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the limit between the said lots numbers one hundred and thirteen and one hundred and fourteen and along the limits between the said lots one hundred and thirteen and one hundred and fourteen, northerly and easterly, to the westerly limits of lot one hundred and seven ; thence along the westerly limits of the said lot number one hundred and seven northerly to the northerly limits thereof ; thence along the northerly limits of the said lot number one hundred and seven and of lots numbers one hundred and six, eighty-four and ninety-six easterly to the easterly boundary of the said township; thence along the easterly, northerly and westerly boundaries of the said township in a northerly, westerly and southerly direction, respectively, to the place of beginning ; and the said southerly portion of the said township of Waterloo shall include and consist of all the remaining part of the said township.

WELLAND: The townships of Bertie, Crowland, Humberstone, Stamford, Thorold, Willoughby the towns of Niagara Falls, Thorold and Welland, and the villages of Chippewa, Fort Erie, Niagara Falls South, and Port Colborne.

WELLINGTON, South : The townships of Guelph, Puslinch and Eramosa, and the city of Guelph.

WELLINGTON, Centre: The townships of Pilkington, Nichol, Erin, West Garafraxa, East Luther, West Luther and the villages of Fergus, Erin, and Elora.

WELLINGTON, West: The townships of Arthur, Minto, Maryborough and Peel, the towns of Palmerston, Mount Forest and Harriston, and the villages of Arthur, Clifford, and Drayton.

WENTWORTH, North: The townships of Beverley, Flamborough West, Flamborough East, the town of Dundas, and the village of Waterdown.

WENTWORTH, South: The townships of Saltfleet, Binbrook, Glanford, Barton and Ancaster.

YORK, East: The townships of Markham and Scarborough, that portion of the township of York lying east of Yonge street, the town of North Toronto, and the villages of Markham and East Toronto.

YORK, West: The townships of Etobicoke and Vaughan, that portion of the township of York lying west of Yonge street, the town of Toronto Junction, and the villages of Richmond Hill, Weston, and Woodbridge.

YORK, North: The townships of King, Whitchurch, Georgina, East Gwillimbury and North Gwillimbury, the towns of Newmarket and Aurora, and the villages of Sutton, Holland Landing, and that part of the village of Stouffville which formerly formed part of the township of Whitchurch.

NOTE.—The townships hereinbefore mentioned include all towns and incorporated villages situated within the limits thereof respectively.

SCHEDULE C.

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Agriculture and Arts Act*, to be called the district (*or* township), agricultural (*or* horticultural) society of the district (*or* township, *or* city, *or* town, or incorporated village) of ; and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names.	$	cts.

R. S. O., 1887, c. 39, Sched. B.

SCHEDULE D.

AFFIDAVIT AS TO SUBSCRIPTIONS TO DISTRICT, TOWNSHIP, OR HORTICULTURAL SOCIETY.

County of }
To wit: }

I, *A B*, of the township of , Treasurer of the Agricultural (*or* Horticultural) Society of the of make oath and say that the sum of has been paid into my hands, as and for the members' subscriptions for this year, in accordance with the list herewith sent to the Minister of Agriculture; and that the said sum is now in my hands, or has already been disposed of according to law.

Sworn before me this day of , A.D., 18 }
C. D., }
Justice of the Peace for the County of } *A. B.*

R. S. O., 1887, c. 39, Sched. D.

SCHEDULE E.

Know all men by these presents that we, *A. B.*, treasurer of the society (*or* association) of the of in the county of , Esquire, and *C. D.*, of the of , in the county of , gentleman (*if more than one surety is required insert here the names of the others in like manner*), do hereby jointly and severally, for ourselves and for each of our heirs, executors and administrators, covenant and promise that the said *A. B.*, as treasurer of the society (*or* association), shall well and truly account for and pay over to the society (*or* association), or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows: that is to say, against the said *A. B.*, in the whole $ (*the amount fixed by the board of directors*) against the said *C. D.*, $ (*the amount fixed by the board of directors*) (*if more sureties were required by the board, here add the names and amounts in like manner.*)

In witness whereof we have to these presents set our hands and seals this day of , A.D. 18 .

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered }
in presence of }
E. F.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate and amend the Agriculture and Arts Act.

First Reading, 19th March, 1895.
Second Reading, 2nd April, 1895.

(*Reprinted as amended in Committee of the Whole.*)

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 133.] **BILL.** [1895.

An Act respecting the establishment of Municipal Fire Insurance Bureaus.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Municipal Fire Insurance Act.*

Bureau to be established on vote of ratepayers.

2. The municipal council of every county, city or town desirous of adopting the provisions of this Act may submit a by-law to the vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act 1892*, and amending Acts in that behalf, adopting the provisions of this Act, and for the establishment of a Bureau of Fire Insurance for such municipality.

Of whom composed and how appointed.

3. The said Bureau shall consist of three members to be called fire insurance commissioners, two to be appointed by the council of the municipality, and the third by the local board of trade.

Commissioners' term of office.

4. Of the commissioners appointed as hereinbefore provided, one shall retire annually in rotation, and at the first meeting of the commissioners, or so soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered as of record as part of the minutes of said meeting.

Regulation of appointments.

5. An appointment shall be made forthwith after the expiration of the term of office of any of the said commissioners, and shall be so made that the said bureau shall always consist of three commissioners, two being the appointees of the muni-

cipal council, and one the appointee of the local board of trade as aforesaid. In case of the death or resignation of a commissioner a successor shall in like manner be appointed for the balance of such commissioner's unexpired term.

Commissioners eligible for re-appointment.

6. Retiring commissioners shall be eligible for re-appointment, and shall hold office until their successors are appointed.

To constitute a corporation.

Name of.

7. Commissioners appointed in any municipality shall be a corporation with all the powers mentioned and set forth in subsection 25 of section 8 of *The Interpretation Act of Ontario*, and their corporate name shall be The Municipal Bureau of Fire Insurance of (*as the case may be*).

To elect chairman.

8. The said commissioners shall at the commencement of each business year, and forthwith after the appointment of the incoming commissioner shall be made as aforesaid, elect a chairman from amongst themselves.

To appoint manager and officers. Meetings, when held.

9. The commissioners may from time to time appoint a manager, secretary, treasurer, solicitor, inspectors and such other officers, agents and assistants as to them seem necessary; prescribe their duties; fix their compensation, salary or allowance; take such security from them as is required by this Act for the faithful performance of their duties and remove them and appoint others in their stead; the commissioners may hold their meetings weekly, or oftener if necessary, for transacting the business of the bureau; and they shall keep a record of their proceedings.

Commissioners may pass by-laws.

10. The commissioners may from time to time make and prescribe such by-laws as to them appear needful and proper respecting the funds and property of the said bureau, the duty of the officers, servants and assistants thereof, the effectual carrying out of the objects contemplated by this Act, and all other matters that appertain to the business of the bureau and are not contrary to law; and may from time to time alter and amend the said by-laws.

Commissioners to manage the property, etc., of the bureau.

11. The commissioners shall superintend and have the management of the funds and property of the bureau and of all matters relating thereto and not otherwise provided for.

Deposit of funds.

12. All moneys received by the commissioners shall be forthwith deposited to the credit of the bureau in a chartered bank, and shall only be withdrawn therefrom on the authority of the commissioners and upon a cheque signed by the chairman or one of the commissioners acting as chairman, the treasurer and accountant of the bureau.

Investment of funds.

13. The commissioners may, in the name of the bureau, invest the moneys and funds of the bureau in any stock

debentures or other securities in which trustees may invest trust money.

Loans to or from commissioners, etc., forbidden.

14. No bureau shall contract with any commissioner or officer thereof for any loan, credit or borrowing of money; and every such attempted loan, credit or borrowing of money is hereby prohibited, and any contract in violation of this section shall be void.

Commissioners and officers to give security.

15. Each commissioner shall give security to the satisfaction of the treasurer of the municipality in a sum of not less than $10,000 for the faithful discharge of his duties, and the treasurer of the bureau and any other officers having charge of the moneys of the bureau shall give security to the satisfaction of the commissioners in a sum not less than $4,000 for the faithful discharge of their duties.

Remuneration of commissioners.

16. The commissioners may by by-law fix and allow the remuneration to be paid to them, which remuneration for the chairman shall not, however, exceed the sum of $5,000 per annum, and for the other commissioners the sum of $3,000.

All assessed buildings shall be insured.

17. All buildings and erections within the limits of the municipality and shown on the assessment roll of the municipality, except as herein otherwise provided, shall be insured in the municipal bureau of fire insurance to the amount of two-thirds of their assessed value at such premium or rate as shall be fixed by the commissioners.

Dangerous risks excluded.

(2) The commissioners may, by by-law, exclude from the operation of this Act and refuse to insure buildings and erections of a hazardous nature or character.

Storage of gunpowder, etc.

18. The commissioners may pass by-laws regulating the storage of gunpowder, dynamite, oils and other dangerous or inflammable goods or materials.

19. The commissioners shall pass by-laws

Classification of insured property.

(1) Classifying all buildings shown on the assessment roll as to the probable risk in insuring the same, in which classification the use to which the building is put, as well as its construction, surroundings and locality shall be considered ;

Rate of insurance.

(2) Fixing the rate of percentage to be charged on the buildings according to their classification;

Amount of premium.

(3) Assessing the amount to be paid on all buildings for the insurance thereof, according to the classification made and rate struck by the commissioners.

Insurance of new buildings, etc., how effected.

20. The owners of all new buildings and buildings in course of erection, and which have not appeared on the fire insurance roll of the municipality, and of all buildings which have been

improved or enlarged since the making of the then fire insurance roll, may apply to the bureau for insurance on such new buildings and for increased insurance on such improvements or enlargements, and the commissioners shall forthwith ascertain the value of such buildings or of such improvements or enlargements, and shall classify such new buildings or improvements according to the by-laws of the bureau, charging the premium according to such classification for insuring such new buildings or improvements, which premiums shall be for the current term of the then fire insurance roll, and shall be forthwith paid by the insured, who shall be entitled to a receipt therefor.

Insurance of business stocks, merchandize, etc.

21. The commissioners may insure on application business stock, merchandize, furniture and other contents of buildings, excepting, however, the articles and effects mentioned in sub-sections 6 and 7 of section 114 of *The Ontario Insurance Act*, in such sums and at such rates as the commissioners deem advisable. The premium for such insurance shall be forthwith paid and the insured entitled to a receipt therefor; provided that no insurance effected under this section shall exceed the sum of $10,000 on any one risk.

Not to exceed $10,000.

Fire insurance rolls, their contents, etc.

22. The commissioners shall cause to be prepared a fire insurance roll, in which they shall set down:

Names, etc., of owners, etc. of insurable property.

(1) The names and surnames in full, with the addresses of the owners of all property insurable hereunder, as shown by the current assessment roll of the municipality, and also the names and addresses of all parties to whom, by notice or assignment, losses are to be paid.

Particulars of property.

(2) The description and extent or amount of insured property assessed against each, as shown by said assessment roll.

Classification of for insurance.

(3) The classification and rating made by the commissioners of the property for fire insurance purposes;

Premium charged.

(4) The amount of premium charged for insurance of the property according to such classification and rating.

Fire insurance roll to be delivered to clerks of municipalities.

23. Such fire insurance roll shall be delivered to the clerk of the municipality on or before the 31st day of December in each year.

Council to collect premiums.

24. The council of the municipality shall levy and collect upon the insured property within the municipality in the manner provided in the municipal and assessment Acts the amounts or premiums chargeable against said insured properties as shown by the said fire insurance roll.

Fire insurance rate.

25. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein so that under the head of fire insurance rate the amounts charged for

fire insurance may be distinguished from the general taxes, school and other rates, and the proceeds of any such fire insurance rate shall be kept distinguished by the collector and accounted for accordingly.

Discount on rates forbidden.

26. The council of the municipality shall not allow any discounts on the payment of such insurance rates, but the same shall be collected in full without rebate or deduction.

Percentage to be charged on non-payment.

27. In case of insurance rates remaining unpaid after the day appointed for the payment of the taxes of the municipality, all additional percentages or charges made on the general taxes or other rates of the municipality shall be charged on such insurance rates.

To be paid by council to bureau.

28. All insurance rates shown on said fire insurance roll with any additional percentages or charges thereon levied and collected by the council of the municipality shall be paid by the municipal council to the bureau on the last day of every month or in such instalments as the commissioners may desire.

Property in sured in companies on the institution of the bureau.

29. On the institution of a bureau in any municipality all owners of property, otherwise insurable under this Act, which may be under insurance in a fire insurance company, may furnish the bureau with a list of their properties showing the amount of insurance effected and the names of the companies carrying such insurance with a request that such property be not then insured in the bureau.

When insurance to be effected on such properties under this Act.

(1) On receiving such list, accompanied with such information, the commissioners shall not insure such properties until the expiration of such existing insurance when the said properties shall forthwith become insurable hereunder; provided, however, that such list shall be given to the bureau within one month after the institution thereof, and that all properties whatever, notwithstanding anything in this section to the contrary, shall, on the expiration of two years after the institution of the bureau, be insurable therein as in this Act provided.

Commissioners may examine witnesses on oath.

30. The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the effectual carrying out of the objects of this Act, and all other matters appertaining to the business of the bureau and the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of law in civil cases. A notice to attend before the commissioners shall be sufficient, if signed by the chairman or any of the commissioners.

Quorum.

31. A majority of the commissioners shall constitute a quorum, and the acts of the majority shall be considered acts of the whole.

Meetings to be open to public.

32. All meetings of the commissioners shall be open to the press and public unless otherwise decided by them.

How by-laws to be authenticated and proved.

33. All by-laws of the bureau shall be sufficiently authenticated by being signed by the chairman of the bureau which passes the same; and a copy of such by-law written or printed and certified to be a true copy by any one of the commissioners shall be deemed authentic and be received as *prima facie* evidence in any court of justice without proof of such signature.

May be enforced by penalties, etc.

34. In all cases where the commissioners are authorized to make by-laws they shall have the power in and by such by-laws to attach penalties for the infraction thereof to be recovered and enforced by summary proceedings before any police magistrate or justice of the peace having jurisdiction in the municipality for which the same are passed in the manner and to the same extent that by-laws of the city councils may be enforced under the authority of *The Consolidated Municipal Act*, and the convictions in such proceedings may be in the forms in the said Act set forth.

To supersede by-laws of council.

35. All by-laws of the bureau relating to matters over which such bureau may have jurisdiction shall supersede all by-laws conflicting therewith which may be passed by the council of the local municipality.

Appointment of members of fire brigade.

36. The members of the fire brigade of the municipality shall be appointed by and hold their offices at the pleasure of the commissioners, and be subject to their lawful regulations, and the commissioners shall have the control, ordering and management of the fire halls and fire brigade equipments.

Remunerations and contingent expenses.

37. The municipal council shall appropriate and pay such remuneration for and to the respective members of the fire brigade as may be required by the commissioners, and shall provide and pay for all such buildings, signal boxes, clothing, reels, engines, horses, equipments and other necessaries as the commissioners may from time to time deem requisite.

Commissioners may contribute thereto.

38. The commissioners shall apply in part payment of the costs of the maintenance and equipment of the fire brigade such an amount of the premiums to be received by them as they may deem advisable.

Council to provide hydrants.

39. The municipal council shall establish and maintain water hydrants on all streets, squares and public places at such places as the commissioners may by by-law require.

40. The commissioners shall from time to time advise and confer with the municipal council upon all matters relating to the erection of buildings and the establishments of fire limits. Fire limits, etc.

41. The commissioners shall prepare, at the end of each year of the operation of the bureau, a statement of the condition of affairs of the bureau up to such time, exhibiting its assets, liabilities, receipts and expenditures, such statement to be deposited in the office of the clerk of the municipality, and be accompanied by the affidavits of the commissioners that they have each, individually, verified the correctness of the said statement, and that the same is a full and correct exhibit of all the assets and liabilities and of the income and expenditure of the said bureau and of the general condition and affairs of the said bureau for the year then ending. Yearly statement to the council of the municipality.

42. The commissioners shall cause the books, vouchers and papers of the bureau to be open for the inspection and supervision of the auditors of the council, and shall do all in their power to facilitate such inspection, and the said auditors shall, at least once in each month, audit the books of such bureau and report each audit to the council as soon as completed. Audit of books, etc., of the bureau.

43. The commissioners and their officers shall have like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this province, and the inspectors and other officers of the bureau, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of constables. Protection and powers of officers.

44. Every action against the bureau for the partial or total loss of any insured property shall be brought within six months next after the loss occurs, or otherwise the claim therefor shall be absolutely barred. Limitation of actions.

45. Two or more municipalities may by concurrent by-laws, which shall be submitted to the vote of the ratepayers, unite their respective municipalities into a district for fire insurance purposes, and any such municipality may withdraw from the district after a by-law for such withdrawal has been adopted by the ratepayers of the municipality on application to the Lieutenant-Governor in Council and on such terms as shall on such application be imposed. District bureaus, how formed.

46. The members of the district municipal bureau of fire insurance shall consist of two commissioners for each several municipality, one to be appointed by the municipal council and one by the board of trade of each several municipality included in the district. How composed.

Separate roll for each municipality in district.

47. The commissioners appointed by each municipality shall prepare the yearly fire insurance roll for such municipality as hereinbefore provided, and have the conduct of all the business of the bureau relating to the municipality represented by them. Provided that all such actions and proceedings and business shall be submitted to the supervision of and endorsed by the commissioners for the whole district. All fire insurance rolls shall be submitted to the supervision of and endorsed by the commissioners for the whole district, who shall equalize all classifications and ratings according to the respective insurable risk of the insured properties in the several municipalities.

Collection of rates.

48. All rates for insurance in each municipality shall be collected by the council of such municipality in the manner hereinbefore provided.

Separate accounts to be kept.

49. The sums received from the various municipalities of the district, whether for insurance rates or for the establishment and maintenance of the fire brigade and appliances, shall be kept separate and distinct, and shall be placed by the said district commissioners to the credit of the municipality paying the same.

Losses, how paid.

50. All fire losses, so soon as the same shall be adjusted ascertained and accepted by the district commissioners, shall be paid as follows: Fifty per cent. of such loss to be paid out of the funds of the municipality in which the loss has occurred, and the balance out of the funds of the other municipalities in the district, which balance shall be levied on such funds rateably according to the amount of insurance the last mentioned municipalities shall carry in the district bureau; or in such other manner as the district commissioners shall by by-law, to be approved of by the inspector of insurance, adopt.

Regulations of district bureau.

51. Every district bureau shall have the same powers, be subject to the same regulations and perform like duties as a local bureau, except as above provided.

52. In municipalities where there may be no board of trade all commissioners shall be appointed by the municipal council.

Provisions of sec. 114 *Insurance Act* to apply.

53. The provisions of section 114 of *The Ontario Insurance Act*, except when inconsistent with this Act, shall apply to all insurance effected under this Act, and be binding on the insured.

When bureau employing solicitor at a salary may recover costs.

54. Where a solicitor or counsel is employed by the bureau, whose remuneration is wholly or partly by salary, annual or otherwise, the bureau shall notwithstanding have the right to recover and collect lawful costs in all actions and

proceedings in the same manner as if the solicitor or counsel was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary.

Debentures to be issued by municipality for a rest fund.

55. In the event of a majority of the ratepayers voting in favor of the establishment of a municipal bureau of fire insurance, the municipal council of the municipality shall issue debentures to an amount to be fixed by the Inspector of Insurance for Ontario; and in the case of cities having a population of over one hundred thousand, to the amount of $1,000,000; and no by-law for the issue of such debentures shall require to be submitted to a vote of the ratepayers before the final passing thereof, anything in *The Consolidated Municipal Act* and amendments thereto or any other Acts notwithstanding. All such debentures shall be transferred to the commissioners and shall be utilized by them in forming a rest fund for the bureau.

Bureau to pay all interest.

56. The bureau shall be chargeable with and shall pay all interest on the said debentures.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act respecting the establishment of Municipal Fire Insurance Bureaus.

First Reading, 19th March, 1895.

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 134.] BILL. [1895.

An Act to provide for the Inspection of Steam Boilers and the Qualification of Persons in charge of the same.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Ontario Steam Boiler Inspection Act.*

Interpretation.

2. In this Act unless a contrary intention appears :—

"Boilers."

(1) "Boiler" shall not include boilers used for heating water for domestic purposes, steam heating boilers nor railway locomotive or steamboat boilers, but the said word shall mean and include all other steam boilers and every part thereof or thing connected therewith, and all apparatus and things attached to or used in connection with any such boiler.

"Owner."

(2) "Owner" shall mean and include any person, firm or corporation, who is the owner or lessee of a boiler, and the manager or other head officer in charge of the business of any such firm or corporation.

"The board."

(3) "The board" shall mean the board of steam boiler inspection constituted under the provisions of this Act.

Appointment of board of inspection.

3. The Lieutenant-Governor in Council may from time to time appoint a chief inspector of steam boilers, and not less than eight nor more than twelve inspectors for the purpose of carrying out the provisions of this Act, and the said chief inspector and inspectors shall constitute a board to be known as "the board of steam boiler inspection."

Qualification of members of board.

4. No person shall be appointed a member of the board who has not had at least five years' practical experience in the operation of steam boilers, and who does not hold a certificate of the highest class granted by the Ontario Association of Stationary Engineers, or from some other duly incorporated body or government board showing that he is a person possessed of practical knowledge of the structure and operation of steam boilers.

Security to be given by members of board.

5. Every member of the board shall before entering upon the duties of his office, enter into a bond or bonds, or such other security as may from time to time be specified by the Lieutenant-Governor in Council, in a penalty of $1,000, payable to Her Majesty the Queen, for the uses of the Province of Ontario, and conditioned for the due performance of his duties under the provisions of this Act, and the regulations of the board or any Order in Council passed in pursuance of the provisions of this Act.

Chairman, registrar and treasurer.

6. The chief inspector shall be the chairman of the board and the members of the board shall elect one of their number to act as registrar and treasurer of the board.

Duties and powers of chairman.

7. It shall be the duty of the chairman of the board and he shall have power :—

(*a*) To call meetings of the board from time to time for the purpose of making regulations, and consulting as to the means of carrying out this Act, at which meetings the said chairman shall preside, or in his absence the members present may elect one of their number to act as chairman for the time being ;

(*b*) To direct and supervise the performance of the duties of the other members of the board ;

(*c*) To report annually to the Lieutenant-Governor upon the operation and working of this Act, the number of inspections and examinations made and permits and certificates granted during the preceding year, and the particulars thereof, and upon such other matters as the Lieutenant-Governor may by Order in Council direct ;

(*d*) To direct from time to time prosecutions arising out of violations of the provisions of this Act, and

(*e*) To perform such other duties in connection with the carrying out of the provisions of this Act, as the Lieutenant-Governor may by Order in Council direct.

Duty of registrar and treasurer.

8. It shall be the duty of the registrar and treasurer of the board for the time being to keep a register in which he shall enter from time to time the names of all persons receiving certificates of qualification under the regulations of the board, with the dates of the granting thereof and the addresses of the holders respectively.

Regulations of board.

9. The board may from time to time make regulations subject to the approval of the Lieutenant-Governor in Council, and not inconsistent with this Act :—

(*a*) For holding annual or special examinations, to be conducted by the board or any member thereof, of persons from time to time applying for registration under the provisions of this Act ;

(*b*) For granting certificates of qualification to persons passing such examinations, and for the annual renewal of such certificates ;

(*c*) For regulating the manner of operating steam boilers and the methods to be adopted for securing the safety thereof;

(*d*) For providing for the uniform inspection of steam boilers, the tests to be used upon such inspection, and the circumstances under which the same shall be made, and

(*e*) Generally for the better carrying out of the provisions of this Act.

Regulations to be approved by Lieutenant-Governor in Council.

10. No regulation made by the board shall come into force or take effect until it has been published, together with the Order in Council approving thereof, in the *Ontario Gazette*, and once a week for weeks in a daily newspaper published in the city of Toronto.

Notice of annual examinations.

11. Notice of the time and place or places of the annual or other general examinations of the board shall be given at least one month prior to the holding thereof by advertisement in two newspapers published in the city of Toronto, and in newspapers published at such other places in the Province as may be directed by the regulations of the board.

Penalty, operating steam boilers when not qualified.

12. Every person not duly registered under this Act who shall after the day of A.D. 189 , operate any steam boiler, or who shall be in charge of any steam boiler while in operation, shall be liable on summary conviction thereof before a justice of the peace, to a penalty of not less than $, nor more than $, and costs of conviction.

Registration persons operating when Act comes into force.

13. Every person who at the date of the passing of this Act and has been for two years prior thereto engaged in the operation of steam boilers, upon producing certificates of his uniform good conduct and sobriety from the owner or owners by whom he has been employed during the said period, and from some one other responsible person not connected with the business of such owner or owners and resident in the municipality or in each of the municipalities in which such boiler or boilers have been so operated, shall be entitled upon making application to the registrar of the board on or before the 1st day of January, 1896, and upon payment of the fee of $1 to the said registrar, to receive a certificate of qualification and to be registered under the provisions of this Act.

Appeal from examiner or inspector.

14. Any candidate for examination who considers that he has been unfairly dealt with in his examination by any member of the board or any holder of a certificate which has been revoked or to whom a renewal of such certificate has been refused, and who desires to appeal for such revocation or refusal, may make his complaint in writing to the chairman of the board, setting forth the grounds thereof, and thereupon the chairman shall instruct the registrar to call a meeting of not less than five members of the board, and it shall be the duty

of such members to meet within thirty days of the receipt of notice of the complaint, and consider the same, and give a decision thereon within one week thereafter, and they shall transmit their decision in writing to the complainant through the registrar of the board, and such decision shall in all cases be final.

Persons holding certificates to post same up.

15. Every person holding a certificate under this Act shall expose the same in some conspicuous place in the engine or boiler room in which he is employed, and in default shall be liable upon summary conviction thereof before a justice of the peace, to a penalty of not less than $ nor more than $ and costs of conviction.

Term and renewal of certificates.

16. Every certificate of qualification granted by the board shall continue in force for one year from the date thereof, and at the end of that period and of each subsequent year may be renewed by the board, but the chairman may at any time revoke and cancel or suspend the operation of any certificate or any renewal thereof or any permit granted under the provisions of this Act, when the holder thereof has been guilty of drunkeness or of negligence or carelessness, in the operation of any steam boiler or has been a party to any violation of the provisions of this Act.

Temporary employment of unqualified persons.

17. In case any owner of a steam boiler or boilers shows to the satisfaction of the chairman or any member of the board that he is unable, by reason of some unforseen occurrence to immediately secure the services of a duly qualified person to operate such steam boiler or boilers, the chairman or member of the board to whom application is made may grant a permit to any person producing satisfactory evidence of good conduct and sobriety to operate such steam boiler for a period not exceeding sixty days from the date of the application of such owner, and in any such case no penalty shall be incurred by reason of the operation of such steam boiler pending the granting of such permit provided that the said owner gives notice of his application for such permit immediately upon such vacancy or other unforseen circumstance arising.

Inspection of boilers.

18. Every boiler shall be inspected at least once in each year, but the inspector may if he deems it desirable, direct such inspection to be made at any time, but not oftener than once in any one year.

Owners to see that boilers annually inspected.

19.—(1) Every owner shall cause the boiler or boilers, owned or used by him or under his control, to be inspected at least once in every year by some person possessing a certificate granted under this Act and registered in accordance with the provisions hereof.

(1) Such inspection shall be made in the manner prescribed by the regulations of the board.

(3) The person making such inspection shall give to the owner a certificate in the form prescribed by the regulations of the board, and the owner shall produce such certificate whenever required so to do by the chief inspector or any member of the board.

Inspection provisons not to apply to insured boilers.

20. The provisions of this Act respecting the inspection of steam boilers shall not apply to any boiler or boilers which are insured in and regularly inspected by any duly incorporated boiler insurance company doing business in the Province, but the owner of such boiler or boilers shall when required by any inspector under the provision of this Act produce the certificate of inspection of the boiler insurance company in which the boiler or boilers are insured.

Powers and duties of persons making inspections.

21. It shall be the duty of every person making an inspection under this Act to aid in enforcing the provisions of this Act, and to give such information to the chief inspector as he may from time to time require or as the regulations of the board may direct; and where any boiler is found by the person inspecting the same to be insecure or dangerous he shall prescribe such alterations or repairs as he deems necessary to make such boiler secure and the operation thereof free from danger, and until such alterations or repairs are made the boiler shall not be used except under such limitations as may be prescribed by him, and he may, if he deems it necessary, entirely prohibit the use of such boiler until such alterations or repairs are made; or, in case he is of opinion that such boiler cannot be made safe, he shall prohibit its use altogether.

22. For the purpose of seeing that the provisions of this Act are complied with, the chief inspector or any member of the board shall have power at all reasonable hours to enter upon any lands and into any building where any steam boiler is kept or is in operation.

Boiler explosions.

23.—(1) In the event of any boiler exploding, the owner thereof shall immediately give notice thereof to the chief inspector, and the chief inspector or some other member of the board acting under his directions shall forthwith proceed to the scene of such explosion and make a full enquiry into the causes thereof, and report thereon in writing to the Attorney-General for Ontario.

(2) If it appears upon such enquiry that the explosion was caused by negligence or improper conduct on the part of the person in charge of the boiler, the chief inspector or inspector making such enquiry shall report the case to the

registrar of the board, who shall forthwith erase the name of such person from the register, and after such erasure the certificate of the person whose name has been erased shall be deemed to have been revoked.

Penalty for using condemned boiler.

24.—(1) Any person who shall use, or any owner who shall suffer, cause or permit to be used, any boiler after the use thereof has been prohibited by any person making an inspection under this Act, or who shall use the same or suffer or cause or permit the same to be used before any alterations or repairs directed upon such inspection have been made, or in violation of the restrictions imposed upon the use of such steam boiler under the powers conferred by this Act, shall be liable on summary conviction therefor before two justices of the peace to a penalty of not less than $ nor more than $ and to imprisonment for any term not exceeding months.

Fastening down safety valves.

(2) Any person who shall at any time so load a *safety* valve or fasten it down or intentionally so arrange it as to subject any steam boiler to a greater pressure than may be carried with safety, and any owner who shall knowingly suffer, cause or permit such safety valve to be so loaded, fastened or arranged shall be liable on summary conviction therefor before any two justices of the peace to a penalty of not less than $ nor more than $ and to imprisonment for any term not exceeding months.

Penalty for offences not otherwise provided for.

25. Any person committing an offence against any of the provisions of this Act for which no special penalty is provided shall be liable, on summary conviction therefor before two or more justices of the peace, to a penalty of not less than $ nor more than $ and costs of conviction.

Fees for examination and certificates.

26. Every person applying for registration under this Act shall pay to the registrar of the board the sum of $1 for the examination and certificate provided for in this Act, and every person applying for the renewal of a certificate of qualification as an engineer under this Act shall pay to the said registrar for such renewal the sum of $1.

Fees for inspection.

27. Every owner of a steam boiler or boilers inspected under the provisions of this Act shall pay to the member of the board or other person making such inspection a fee of $5 therefor, and in the event of refusal or neglect to pay such fee the same may be recovered in the division court having jurisdiction in the locality in which such inspection was made.

Application of fees and penalties.

28.—(1) All fees and penalties collected or imposed under the provisions of this Act shall be paid over by the person collecting the same to the registrar and treasurer of the board; and the said registrar and treasurer shall, on the days of and , make a report of the fees and penalties received by him during the next preceding six months to the Minister of Agriculture for the Province.

(2) All moneys so received by the registrar and treasurer shall be set apart and form a fund for paying the expenses incurred in carrying out the provisions of this Act.

Commencement of Act.

29. Sections 1 to 10, inclusive, of this Act shall come into force and take effect immediately upon the passing hereof, but the remaining sections of this Act shall not come into force or take effect until the 1st day of January, 1896.

No. 134.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to provide for the Inspection of Steam Boilers and the Qualification of Persons in charge of the same.

First Reading, 20th March, 1895.

Mr. CRAWFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 135.] **BILL.** [1895.

An Act for the Prevention of Fraud in the Sale of Fruit.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Interpretation.

1. In sections 2 to 6 inclusive of this Act unless a contrary intention appears:

"Fruit."

(1) The word "fruit" shall mean and include, apples and pears.

"Packing."

(2) The words "packing" or "packed" shall mean and include the placing of fruit in any box, crate, barrel, basket or other article and the covering and securing of the same with slats or bars or with a lid or cover of any material whatever.

Packer to mark article in which fruit is packed.

2. Every person packing fruit for sale in bulk shall mark upon the outside of the box, crate, barrel, basket, or other article in which the fruit is packed, in plain and legible words to be branded or written in a durable manner in or upon the material of which the article is composed:

(*a*) The words "No. 1" or "No. 2," according to the grade of the fruit, or the word "ungraded," as the case may be, and

(*b*) Except in the case of ungraded fruit, the name and post office address including the name of the Province, of the packer,

(*c*) The name of the variety so packed.

Grading fruit.

3. For the purposes of this Act fruit shall be graded as follows:

(*a*) Grade "No. 1" shall consist of well grown specimens of one variety, as nearly as possible uniform in size, and throughout of good form and color, sound and whole, and free from worms, bruises or disease.

(*b*) Grade "No. 2" shall consist of well grown specimens of one variety, sound and whole, and throughout reasonably free from the defects mentioned in the preceding paragraph, but

which on account of inequality of size, lack of color or other defects, could not be included in grade "No 1."

"Ungraded fruit."

4. All fruit not coming within the classes mentioned in section 3 of this Act, and which is packed and offered for sale in bulk, shall be classed as "ungraded."

Penaly for omitting to mark.

5. Every person who after packing fruit or causing it to be packed, shall sell such fruit or offer the same for sale or otherwise dispose of the same without having made the marks required by section 2 of this Act, or any of them, shall be liable on summary conviction therefor to a penalty of not less than $1 nor more than $5 and costs.

Penalty.

6. Every person who with intent to defraud:

Altering or defacing marks.

(*a*) Alters, effaces, obliterates, or covers wholly or partially, or causes to be altered, effaced, obliterated or covered, any packer's marks made on any article required to be marked under the provisions of this Act, or

Counterfeiting marks.

(*b*) Counterfeits any such marks or brands or writes the same on any such article, after the same has been once marked, or

Using marked article improperly.

(*c*) Empties or partially empties any such marked article, in order to put into the same any other fruit (of the same or any other kind) not contained therein at the time of the original marking, or

Using article previously marked.

(*d*) Uses for the purposes of packing fruit, any article bearing marks previously made by any other packer, or

Makes false marks.

(*e*) In making or purporting to make any of the marks required by this Act, falsely states the grade of fruit packed in the article marked or the name or address of the packer or the weight or measure of the fruit so packed,

Shall be liable on summary conviction therefor to a fine of not less than $1 or more than $5 and costs.

Packing so as to conceal defects in fruit.

7. Every person who shall knowingly and with intent to defraud so place or arrange apples, pears, plums, peaches, nectarines, cherries, grapes, apricots or berries of any description whatever, whether graded or ungraded, in any box, crate, barrel, basket, or other article, for delivery to any other person in such a manner as to conceal defects in size or quality in any portion of such fruit by covering the same with fruit of larger size or better quality or otherwise shall be liable on summary conviction therefor to a penalty of not less than $1 nor more than $5 and costs.

Consignee to notify consignor of particulars of sales.

8. Every person receiving fruit of any kind mentioned in the preceding section for sale in bulk on commission, shall, within one week after any sale by him of such fruit or any

part thereof, mail to the address of the consignor of such fruit a written notice of the price or prices received therefor and the name and address of the purchaser, and any person failing to send such notice or to give the particulars therein, required by this section, shall be liable, on summary conviction therefor, to a penalty of not less than $1 nor more than $5 and costs.

Prosecution not to bar other proceedings.

9. No prosecution or conviction under this Act shall be a bar to any proceeding for the recovery of penalties which may be imposed under any other Act, nor to any action for the recovery of damages which may be brought by any person injured or defrauded by the sale of fruit in violation of the provisions of this Act, but all such penalties may be recovered, and all such actions may be brought in the same manner as if this Act had not been passed.

No. 135.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the Prevention of Fraud in the Sale of Fruit.

1st Reading, 20th March, 1895.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 135.] BILL. [1895.

An Act for the Prevention of Fraud in the Sale of Fruit.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

6. Every person who with intent to defraud: **Penalty.**

(*a*) Alters, effaces, obliterates, or covers wholly or partially, or causes to be altered, effaced, obliterated or covered, any packer's marks made on any article *in which any fruit is offered for sale, or* **Altering or defacing marks.**

(*b*) Counterfeits any such marks or brands or writes the same on any such article, after the same has been once marked, or **Counterfeiting marks.**

(*c*) Empties or partially empties any such marked article, in order to put into the same any other fruit (of the same or any other kind) not contained therein at the time of the original marking, or **Using marked article improperly.**

(*d*) Uses for the purposes of packing fruit, any article bearing marks previously made by any other packer, or **Using article previously marked**

(*e*) Falsely states the grade of fruit packed in the article marked or the name or address of the packer or the weight or measure of the fruit so packed, **Makes false marks.**

Shall be liable on summary conviction therefor to a fine of not less than $1 or more than $5 and costs.

7. Every person who shall knowingly and with intent to defraud so place or arrange apples, pears, plums, peaches, nectarines, cherries, grapes, apricots or berries of any description whatever, whether graded or ungraded, in any box, crate, barrel, basket, or other article, for delivery to any other person in such a manner as to conceal defects in size or quality in any portion of such fruit by covering the same with fruit of larger size or better quality or otherwise shall be liable on summary conviction therefor to a penalty of not less than $1 nor more than $5 and costs. **Packing so as to conceal defects in fruit.**

Consignee to notify consignor of particulars of sales.

8. Every person receiving fruit of any kind mentioned in the preceding section for sale in bulk on commission, shall, when requested to do so by the consignor in writing furnish the said consignor within one week after receiving notice or after disposing of the fruit as may be requested with a written detailed statement in regard to the sale or disposal of the same giving the price or prices received therefor and the names and addresses of the purchasers.

Prosecution not to bar other proceedings.

9. No prosecution or conviction under this Act shall be a bar to any proceeding for the recovery of penalties which may be imposed under any other Act, nor to any action for the recovery of damages which may be brought by any person injured or defrauded by the sale of fruit in violation of the provisions of this Act, but all such penalties may be recovered, and all such actions may be brought in the same manner as if this Act had not been passed.

No. 135.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the Prevention of Fraud in the Sale of Fruit.

First Reading, 20th March, 1895.
Second " 28th March, 1895.

(*Reprinted as amended in Committee of the whole House.*)

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 136.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 48, s. 76 amended.

1. Section 76 of *The Consolidated Assessment Act 1892*, is amended by inserting in the 19th line thereof after the word "heard" the following words, "and the judge or acting judge of the county court of the county whose county town is the next nearest to the court house where the said appeal will be heard," and by substituting for the words "the said judge" in the 20th line the words "the said judges," and by striking out the words "judge or" in the thirtieth line of the said section.

55 V. c. 48, s. 76, sub.-s. 4 amended.

2. Sub-section 4 of the said section is repealed, and the following substituted therefor: "(4) When three judges hear the appeal the decision of the majority shall prevail."

55 V. c. 48, s. 76, sub.-s. 5 repealed.

3 Sub-section 5 of the said section is repealed and the following substituted therefor:

Payment of travelling expenses of county judges.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid, shall pay out of the moneys so deposited, upon requisition by the judges respectively, such sums as the said judges shall certify to him as their respective travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person or corporation who deposited the same, and each of the said outside judges shall be entitled to be paid a sum not exceeding twenty dollars a day for their services in connection with the said appeal, the sum so paid to them to be part of the costs of the appeal and payable by such party to the appeal as the majority of the judges hearing the said appeal shall determine,

No. 136.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 20th March, 1895.

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 137.] **BILL.** [1895.

An Act to amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 35 of *The Pharmacy Act* as enacted by chapter 28 of the Acts passed in the 56th year of Her Majesty's reign and amended by the Act, chapter 45, of the Acts passed in the 57th year of Her Majesty's reign is amended by striking out the words "until after the 1st day of July, 1895." Rev. Stat., c. 151, s. 35; 56 V., c. 28, amended.

2. Chapter 45 of the Acts passed in the 57th year of Her Majesty's reign is repealed. 57 V., c. 45, repealed.

No. 137.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Pharmacy Act.

First Reading, 21st March, 1895.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 137.] **BILL.** [1895.

An Act to amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 151, s. 35; 56 V., c. 28, amended.

1. Section 35 of *The Pharmacy Act* as enacted by chapter 28 of the Acts passed in the 56th year of Her Majesty's reign and amended by the Act, chapter 45, of the Acts passed in the 57th year of Her Majesty's reign is amended by striking out the words "until after the 1st day of July, 1895."

Selling patent medicines.

2. Nothing in *The Pharmacy Act* contained shall extend to or interfere with or affect the making or dealing in any patent or proprietary medicines.

Proviso.

Provided always that in case of there being reason to apprehend that any such medicine contains any poison mentioned in the schedules to the said Act that renders its use in the doses prescribed dangerous to health or life, the Provincial Board of Health may cause to be made an analysis of such medicine by an analyst or other competent person appointed by the Lieutenant-Governor in Council; and if on such analysis it appears that such patent or proprietary medicine does contain any of the said poisons to an extent rendering its use in the doses prescribed dangerous to health or life, the said board may give notice thereof to the manufacturer or proprietor of such patent or proprietary medicine, or to his agent or representative in this Province of the result of such analysis, and in that case shall name a convenient time and place at which the manufacturer or proprietor may be heard before said board in opposition thereto. If the board is of the opinion that the said patent or proprietary medicine is in the doses prescribed dangerous as aforesaid, the board shall afterwards report their opinion to the Lieutenant-Governor in Council, and the report shall be subject to appeal to the Lieutenant-Governor in Council. The board shall submit to the Lieutenant-Governor in Council the report of the analyst, and the objections, if any,

made to the same by the manufacturer or proprietor, together with the report of the board thereon, and if the Lieutenant-Governor in Council approves of the report, notice thereof may be given in the *Ontario Gazette*, and after such notice in the *Ontario Gazette*, the provisions of the said Act with regard to poisons shall apply to such patent or proprietary medicines whether sold by persons registered in pursuance of the said Act, or by others.

57 V., c. 45, repealed.

3. Chapter 45 of the Acts passed in the 57th year of Her Majesty's reign is repealed.

No. 137.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Pharmacy Act.

First Reading, 21st March, 1895.
Second Reading, 26th March, 1895.

(Reprinted as amended in Committee of the Whole.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 138.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V., c. 48, s. 27, sub-s. 1, amended.

1. Sub-section 1 of section 27 of *The Consolidated Assessment Act 1892*, is amended by adding at the end thereof the following words: "and in assessing under this sub-section "lands held and used for farming purposes, the assessor or the "court of revision or judge may take into consideration the "value at which lands are assessed which are held and used for "similar purposes adjacent to or in the vicinity of such farm "lands and whether lying within the same municipality or not."

No. 138.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 21st March, 1895.

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 139.] **BILL.** [1895.

An Act to amend the Act to provide for the admission of Women to the Study and Practice of Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 1 of the *Act to provide for the admission of Women to the Study and Practice of Law* is amended by adding at the end thereof the following words, "and barrister at law. 55 V. c. 32 amended.

No. 139.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act to provide for the admission of Women to the Study and Practice of Law.

First Reading, 21st March, 1895.

Mr. McKay,
(Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

Bill 140, Not Printed.

No. 141.] BILL. [1895.

An Act to prevent The Docking of Horses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Penalty for docking or authorizing or being present thereat.

1. Whoever cuts the bone of the tail of any horse for the purpose of docking the tail, or whoever causes or knowingly permits it to be done upon premises of which he is the owner, lessee, proprietor, or user, or whoever assists in or is present at such cutting, shall on summary conviction thereof before a justice of the peace, be subject to a penalty of not less than $100, or more than $300, with or without costs of prosecution, or to imprisonment, with or without hard labor, for any term not exceeding one year, or to both fine with or without costs and imprisonment to the said amount and for the said term, in the discretion of the convicting magistrate. And in case of a fine, or a fine and costs being awarded, and of the same not being upon conviction forthwith paid, the justice may commit the offender to the common gaol, there to be imprisoned for any term not exceeding one year, unless the fines and costs are sooner paid.

Evidence of guilt of person on whose premises horse is found.

2. If a horse is found with its tail so cut, and with the wound resulting from such cutting unhealed, upon the premises of any person, such facts shall be *prima facie* evidence that the person who occupies or has the use of the premises on which such horse is so found has committed the offence described in section one.

Evidence of guilt of person in whose custody horse is found.

3. If a horse is found with its tail so cut, and with the wound resulting from such cutting unhealed, in the charge or custody of any person, such facts shall be *prima facie* evidence that the person having the charge or custody of such horse has committed the offence charged in section one.

Application of fines.

4. One half of all fines collected under this Act upon or resulting from the complaint or information of any officer or agent of a society for the prevention of cruelty to animals, or humane society, shall be paid over to said society in aid of the benevolent objects for which it was incorporated.

Search warrants.

5. Any person having reason to believe that a horse is upon any premises with his tail cut as aforesaid shall be entitled to obtain a search warrant and have the premises searched in the same manner as search warrants are now executed.

No. 141.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to prevent The Docking of Horses.

First Reading, 22nd March, 1895.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 142.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 48, s. 7*a*, sub-ss. 1 and 2, repealed.

1. Sub-sections 1 and 2 of section 7*a* of *The Consolidated Assessment Act, 1892*, are repealed and the following substituted therefor, so as to read as follows:

Farm lands in cities, towns and villages.

7*a*.—(1) In any city, town or incorporated village in which there are lands held and used only as farm lands such lands shall be assessed as farm lands, and not otherwise.

Exemption of farm lands from certain local rates.

(2) When such lands are not benefited to as great an extent by the expenditure of moneys for, and account of, public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such city, town or incorporated village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part or parts of the said lands so held and used only as farm lands shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for waterworks of any kind or description whatsoever, the making, maintenance, reconstruction or repair of sidewalks, the construction, reconstruction or repair of sewers, or the lighting or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements. Provided, nevertheless, that nothing in this sub-section contained shall exempt or relieve any lands therein mentioned from the general rate for the payment of any debenture debt contracted before the passing of this Act or any renewal thereof in whole or in part.

55 V. c. 48, s. 27, sub-s. 1, repealed.

2. Sub-section 1 of section 27 of the said Act is repealed and the following substituted therefor:

Assessing vacant land.

27.—(1) In assessing vacant ground or ground used as a farm, garden or nursery, and not in immediate demand for building purposes, in cities, towns or villages whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made for cash, and

where no such sales can be freely made the assessor shall value such land at a value not exceeding that at which it should be valued if held only for farming or gardening purposes, with such percentage (in no case exceeding twenty-five per cent.) added thereto as the situation of the land reasonably calls for ; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres, or portions of acres, of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the township in which the same is situated, as the case may be.

No. 142.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 22nd March, 1895.

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 143.] **BILL.** [1895.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 95 of *The Registry Act* is amended by adding thereto the following as sub-sections 13 and 14 of said section. 56 V. c. 21, s. 95. amended.

(13) Every registrar shall be supplied by the Provincial Secretary with stamps of the face value of 5 cents, 25 cents and one dollar, and every instrument received by him for registration shall have stamps of the value of the charge received by him for such registration attached thereon by the person presenting such instrument, when they shall be cancelled by the registrar with a stamp provided for the purpose. Stamps for fees to be put on all instruments registered.

(14) All violations of the preceding sub-section shall subject the registrar to a fine of dollars. Penalty.

No. 143.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Registry Act.

First Reading, 22nd March, 1895.

Mr. MEACHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 144.] **BILL.** [1895.

An Act to amend The Act respecting the establishing of Houses of Refuge.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 1 of the Act passed in the 53rd year of her Majesty's reign, chapter 78, intituled *An Act respecting the establishment of Houses of Refuge*, as amended, by striking out the words "forty-five acres" in the fifth line of the said section, and insert in lieu thereof "ten acres." 55 V. c. 78, s. 1, amended.

No. 144.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Act respecting the establishing of Houses of Refuge.

First Reading, 25th March, 1895.

Mr. CLELAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

Bill 145, Not Printed.

No. 146.] **BILL.** [1895.

An Act to amend The Act respecting the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Act respecting the Legislative Assembly* is amended by inserting therein the following section as section 10*a* : Rev, Stat. c. 11, amended.

10*a*. No person whosoever holding or enjoying the privilege of using any free pass or other document entitling him to travel free of charge or at a reduced rate, or according to him any special privilege which shall be a discrimination in passenger rates for the advantage of such person on account of his being a member of the Legislative Assembly, in travelling over any line of railway in the Province of Ontario, or over any portion of any such line or any branch thereof, shall be eligible as a member of the Legislative Assembly, nor shall he sit or vote in the same. Disqualification of persons holding passes etc., from railway companies.

2. This Act shall come into force and take effect on the 1st July, 1895. Commencement of Act.

No. 146.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act respecting the Legislative Assembly.

First Reading, 25th March, 1895.

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 147.] **BILL.** [1895.

An Act respecting Statute Labor in certain incorporated Villages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws in villages declaring that provisions as statute labour in townships shall apply.

1. It shall be lawful for the municipal council of any incorporated village having a territorial extent of two thousand acres or more to enact a by-law declaring that it is expedient that the provisions of *The Consolidated Municipal Act 1892* and *The Consolidated Assessment Act 1892*, respecting statute labor in townships shall apply to such incorporated village.

Application of certain provisions in 55 V. c. 42, and 55 V. c. 48, after passing of by-law.

2. From and after the first day of January next following the enacting of such by-law and so long as such by-law shall remain in force all provisions of *The Consolidated Assessment Act 1892* and of *The Consolidated Municipal Act 1892*, respecting statute labor in townships and any amendments which may be made thereto from time to time shall apply to such incorporated village to all intents and purposes, as if the same were a township municipality, and thereafter while such by-law shall remain in force sections 88, 89, and 90 of *The Consolidated Assessment Act 1892* shall cease to apply to any such village.

Repealing by-laws.

3. When a by-law shall have been passed under the provisions of the first section of this Act the same may be afterwards repealed by by-law, which shall only take effect on the first day of January next following the passing of the same.

No. 147.

1st Session, 8th Legislature, 58 Vict., 1895.

An Act respecting Statute Labor in certain incorporated Villages.

First Reading, 25th March, 1895.

Mr. EVANTUREL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 148.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section 4 of section 616 of *The Consolidated Municipal Act 1892*, is amended by adding after the words "city or town" in the first line the words "or incorporated village." 55 V. c. 42, s. 616, s-s. 4, amended.

No. 148.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1895.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 149.] **BILL.** [1895.

An Act respecting Railway Lands.

WHEREAS under the provisions of the Acts respecting aid to certain railways certain tracts of land ten miles in width on each side of the lines of railways to which aid was granted or on each side of the lines of the said railways as the same might be finally located and established, were set apart for the purpose of being sold and the proceeds applied to form a fund to recoup the province in respect of moneys expended in aiding railways; and whereas by reason of delay in the construction of certain of the railways to which aid was to be granted as aforesaid some of the lands so set apart are unsaleable at the price fixed by the said Acts and settlement of the said lands has been thereby retarded;

Lands set apart to be sold.

Delay in construction of railway.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon its appearing to the satisfaction of the Lieutenant-Governor in Council that the construction of any of the said railways has not been proceeded with and is not likely to be proceeded with within a reasonable time, or that such lands cannot be sold for the price fixed by the statute in that behalf, the Lieutenant-Governor in Council may withdraw all or any of the lands so set apart from the operation of the said Acts and restore the same to the free grant territory or open them for sale under settlement regulations at such prices and upon such terms as may be deemed expedient, or in proper cases deal with the same as mining lands.

Where railway not constructed, etc., Lieutenant-Governor in Council may provide for free grants or sales.

No. 149.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act respecting Railway Lands.

First Reading, 25th March, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 150.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 88 of *The Consolidated Municipal Act 1892*, is amended by substituting the words "day of" for the words "Monday in" in the second line thereof, by inserting after the word "January" in the same line the words "except as hereinafter provided," and by adding at the end of the section the following proviso: "Provided, however, that when the first day of January falls upon a Sunday the election shall be held on the following day." 55 V. c. 42, s. 88 amended. Time for holding elections.

2. Section 107 of the said Act is amended by substituting the word "third" for the word "last" in the fourth line thereof. 55 V. c. 42, s. 107 amended.

3. Section 109 of the said Act is amended by substituting the word "third" for the word "last" in the fifth line thereof; and section 110 of the said Act is amended by substituting the word "third" for the word "last" in the third line thereof 55 V. c. 42, s. 109 amended.

4. Section 112 of the said Act is hereby repealed. 55 V. c. 42, s. 112, repealed.

5. Section 116 of the said Act is amended by substituting the words "day of" for the words "Monday in" in the tenth line thereof, by inserting the words "unless the election is to be upon the following day as provided in section 88 hereof" after the word "when" in the eleventh line thereof, and by adding at the end thereof the following words: "But in case the first day of January falls upon a Sunday, the foregoing provisions as to polling shall apply to the following Monday." 55 V. c. 42, s. 116, amended.

6. Section 444 of the said Act is amended by inserting the words "and provide and pay all other necessary expenses" after the word "necessaries" in the fifth line thereof, and by substituting the words "use and maintenance" for the words "and use" in the seventh line thereof. 55 V. c. 42, s. 444 amended.

55 V. c. 42, s. 479, sub-s. 16 repealed.

7. Sub-section 16 of section 479 of the said Act is repealed and the following substituted therefor:

Regulating egress, etc., in public buildings.

"For regulating the size and number of gates and doors and the construction and width of stairways, stairs, halls, aisles, alleys, approaches and other means of egress from all churches, theatres, halls or other buildings used for places of worship, public meetings or places of amusement, factories, warehouses, hotels, boarding and lodging houses, and also the strength of walls, beams and joists, and their supports in all such buildings, and for compelling the production of the plans of all such buildings for inspection, and for enforcing the observance of such regulations; for regulating the street gates leading to any such buildings, and for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in any such buildings or leading thereto during the occupation of the same by any public assemblage."

Powers of police officers as to seeing that by-laws enforced.

8. During the time any church, theatre, hall or other building used for place of worship, public meeting or place of amusement is occupied by an assemblage of persons, the chief constable or any police officer or member of the police force of the city, town or village in which such church or other building is situated, may enter any such church or other building to see that the by-laws of the municipality for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in such building or leading thereto are not being violated, and to remove therefrom any obstructions which may be placed in such halls, aisles, passage-ways, alleys or approaches thereto.

55 V. c. 42, s. 483 amended.

9. Section 483 of the said Act is amended by adding the following sub-sections thereto:

Taking lands for public works. Filing plans and specifications and giving notice.

"(1) Whenever any council in any city or incorporated town is desirous of entering upon any public work or undertaking, in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, such council may, notwithstanding anything in this Act contained to the contrary, file plans and specifications of such work or undertaking, or certified copies thereof with the clerk of the municipality, who shall, on receiving the same, issue a notice setting out the council's intention to proceed with such work or undertaking, and to enter upon, take or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within thirty days from the service of such notice, and shall cause such notice to be served upon the owners or occupiers of or other persons interested in the said real property to be so taken, entered upon

or used as aforesaid, or that may be injuriously affected as aforesaid, and that such owners, occupiers or other persons shall file with the said clerk, within the said period of thirty days, their claim for damages for any of the causes aforesaid, showing the amount thereof, or in default thereof that any claim for such damages will be barred.

Claims to be made within thirty days.

"(2) All such claims shall be made pursuant to the said notice, and unless made within thirty days after the service of said notice, shall be barred and extinguished.

Determining claims by arbitration.

"(3) If any such claim shall be so filed within the time aforesaid the same, unless accepted by the council, shall forthwith be determined by arbitration under this Act.

Powers of council as to accepting or withdrawing from arbitration.

"(4) In case the council shall confirm the award made under such arbitration, the same shall be final and conclusive on all persons interested; but the said council shall at all times during the said arbitration, and until the award thereunder shall be by them confirmed, be at liberty to withdraw from the same or to annul the said award, and to entirely or in part abandon the proposed works upon paying the claimants their proper costs in regard to such arbitration.

Lands not to be taken until damages paid.

"(5) Until such awarded damages be paid it shall not be lawful for the municipality to take any lands for the taking of which any such damages shall have been allowed."

55 V. c. 42, s. 489, sub-s. 38 amended.

10. Sub-section 38 of section 489 of the said Act is amended by inserting the words "or other member of the police force" after the word "inspector" in the fifth line thereof, and by adding the same words "or other member of the police force" after the word "officer" in the eighth line thereof.

55 V. c. 42, s. 489 amended.

11. Section 489 of the said Act is amended by adding the following sub-section thereto:

Regulating bicycles.

"(59) For licensing, regulating and governing persons using bicycles and other vehicles not drawn by horses."

53 V. c. 42, s. 496, sub-s. 25 amended.

12. Sub-section 25 of section 496 of the said Act is amended by substituting the word "eight" for the words "twenty-four" in the seventh line thereof.

Flooding cellars from sewers.

13. In cases of cities having sewers for drainage purposes, no action shall lie against any such municipality for damages arising from the flooding of cellars or other premises by water from such sewers, where the rain-fall which occasioned such flooding exceeded one inch per hour.

55 V. c. 42, s. 504, sub-s. 7 amended.

14. Sub-section 7 of section 504 of the said Act is amended by adding thereto the following sub-section:

Aiding benefit funds for corporation employees.

"(7*a*) For aiding and assisting by annual money grant, or otherwise, as the council may deem expedient, the establishment and maintenance of official benefit funds for employees of the corporation (other than employees of the police force and fire brigades hereinafter provided for) and their families."

55 V. c. 42, s. 616, sub-s. 1 amended.

15. Sub-section 1 of section 616 of the said Act is amended by inserting after the word "property" in the seventh line thereof the following words: "the number of such owners and the value of such real property having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf."

No. 150.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1895.

Mr. HOWLAND.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 151.] **BILL.** [1895.

An Act respecting Bicycles and similar machines.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Powers of municipal council s to regulate bicycles, etc.

1. All bicycles, tricycles, velocipedes and other similar machines are hereby declared to be carriages, and municipal councils shall have full power to pass by-laws regulating the use of the same upon public streets.

By-law for licensing use of bicycles, etc.

2. Municipal councils may pass by-laws licensing such machines, no license to exceed an average of one cent per diem, provided, however, that all moneys obtained from such licenses shall be applied to improving roads and making pathways for persons using such machines.

Regulations.

3. The following regulations shall be observed by any person or persons riding or being upon such carriage:

Lights to be carried after dark.

(*a*) During the period between one hour after sunset and one hour before sunrise, every person riding or being upon such carriage shall carry attached to the carriage a lamp which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage.

Ringing bell, etc., to give notice of approach.

(*b*) Upon overtaking any street car, cart or carriage, or any horse, mule or other beast of burden, or any foot passenger, being on or proceeding along the carriageway or on any crossing, every such person shall within a reasonable distance from and before passing such street car, cart or carriage, horse, mule or other beast of burden, or such foot passenger on such crossing by sounding a bell, gong or other alarm give audible and sufficient warning of the approach of the carriage, such bell to be rung or gong or other alarm to be sounded not less than ten seconds from any street or crossing, or before passing any street car or other vehicle.

Penalty.

(*c*) Any person summarily convicted of offending against the regulations made by this section, shall for each and every such offence forfeit and pay a sum not exceeding $10.

Special roads for bicycles, etc.

4. The council of any city or town may with the consent of any municipality within ten miles thereof, spend money in making paths or roads in or through such municipality especially adapted for the use of such machines.

Right of way.

5. Whenever two of such machines are proceeding in opposite directions upon the portion of any highway lying between the tracks of any street railway the person travelling south thereon and the person travelling east thereon, respectively, shall have the right of way.

License to be good in other municipalities

6. Every license issued under this Act in one municipality to a *bona fide* resident thereof, shall be good in any other municipality for the year in which it was issued.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Bicycles and similar machines.

First Reading, 26th March, 1895.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 152.] **BILL.** [1895.

An Act to amend The High Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

54 V. c. 57, s. 11, amended.

1. Section 11 of *The High Schools Act, 1891*, is amended by adding thereto as sub-section 7 the following words:

Pupils from adjoining county attending high school in city, town, or village.

(7) When a high school, situate in a city, town, or incorporated village, which though wholly within one county for electoral purposes, immediately adjoins or is contiguous to one or more other counties, is being attended by pupils from such adjoining or contiguous county or counties, the secretary of the board of trustees of such high school may on or before the 10th day of January in each year, send to the clerk of each such county a certified list of the number of pupils from that county, with their respective residences, who have been in attendance at such high school during the past year and the county council of each such county on receipt of such certified list may at their first meeting thereafter appoint three additional trustees of and for such high school board who shall be entitled to act thereon and hold office for the year.

54 V. c. 57, s. 31, amended.

2. Section 31 of the said Act is amended by adding thereto the following as sub-section 7 and 8:

Settling amounts to be paid yearly for attendance of pupils from adjoining county.

(7) The board of trustees of such a high school as is referred to in sub-section 7 of section 11 of this Act, and the respective councils of the adjoining or contiguous counties therein also referred to, may, by mutual agreement, settle upon the amount to be paid yearly by each of the said counties respectively in full of their respective shares of the cost of maintenance of pupils in attendance at the said high school from such counties but in the event of failure so to agree upon a sum the board of trustees of such high school shall if the certified list has been sent as provided in said sub-section 7 of section 11 of this Act and whether the trustees have been appointed as therein provided or not, be entitled to receive from each of such counties respectively the same amount toward the cost of maintenance of each pupil in attendance

therefrom at such high school as is paid for the maintenance of such county pupil by the county in which the said school is situate.

Levying amounts due from local municipalities.

(3) Provided the said list, as required by said sub-section 7 of section 11 of this Act, has been sent, and, in case of failure to agree as in the previous sub-section provided, the council of each such county shall levy and collect from the various municipalities within that county in which the pupils attending such high school respectively reside, their respective proportionate shares of the amount for which that county is liable for the maintenance of such pupils at the said high school, less the fees paid by them as certified by the secretary of the board of trustees of such high school, and the said council shall on or before the 15th day of December in each year pay over such amount to the secretary-treasurer of such board.

Pupils from adjoining county when not to be deemed "non-resident" 54 V. c. 57.

3. From and after the first day of January next the pupils attending such high school from such adjoining or contiguous counties shall not be deemed to come within the meaning of non-resident pupils as defined by *The High School Act, 1891.*

No. 152.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The High Schools Act.

First Reading, 26th March, 1895.

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 153.] **BILL.** [1895.

An Act respecting Electric Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as *The Electric Railway Act, 1895.*

INTERPRETATION.

Interpretation of words.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"The special Act."

(1) "The special Act" shall be construed to mean any Act authorizing the construction of an electric or other railway, and with which this Act wholly or in part is incorporated by the provisions of this Act or by the express terms of such special Act.

"Prescribed.

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used;

"The lands.

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof;

"The undertaking."

(4) "The undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. R. S. O. 1887, chap. 170, sec. 2.

Interpretation of words in this Act and in special Acts.

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Lands."

(1) "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lease."

(2) "Lease" shall include any agreement for a lease;

"Toll."

(3) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;

"Goods." (4) "Goods" shall include things of every kind conveyed upon the railway.

"County." (5) "County" shall include any union of counties, county, or riding; "district and county court judge" shall include a judge of a district court;

"Highways." (6) "Highways" shall mean all public roads, streets, lanes and other public ways and communications;

"Sheriff." (7) "Sheriff" shall include under sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "clerk of the peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any part of such lands are situate;

"Clerk of the peace."

"Justice." (8) "Justice" shall mean justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city or place, the word "justice" shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter;

"Owner." (9) "Owner," (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The company." (10) "The company" shall mean the company or party authorized by the special Act to construct the railway;

"The railway." (11) "The railway" shall mean the railway and works by the special Act authorized to be constructed;

"Shareholder." (12) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1887, chap. 170, sec. 3.

"Working expenses." (13) The expression "working expenses" shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the work-

ing thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, or for hire of power or rolling stock, also all usual expenses of or incidental to the working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses. Also all moneys owing by the company for any of the above items of expenses. Also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness. (*New.*)

"First issue of stock."

(14) The "first issue of stock" shall mean all stock subscribed for and allotted prior to the first meeting of shareholders of the company for organization and election of directors. (*New.*)

APPLICATION OF ACT.

Application of Act to electric railways hereafter incorporated.

4.—(1) This Act shall apply, unless otherwise expressed in the special Act, to every electric railway subject to the legislative authority of the Legislature of this Province, authorized to be constructed by any special Act passed after this Act takes effect, and shall also apply to every railway to which this Act is expressly made applicable by any special Act, and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, except in so far as they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall as well as the clauses and provisions of every other Act expressly incorporated with such special Act, form part of such special Act and be construed together therewith as forming one Act. R. S. O., chap. 170, sec. 4.

Electric railways incorporated at present session of Legislature.

(2) Notwithstanding anything contained in *The Street Railway Act* or in any other Act of the Legislature of Ontario, the railway of every company incorporated at the present session of the Legislature, or hereafter incorporated for the purpose of constructing and operating a railway to be operated by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways constructed by it.

Railway which may be operated by steam or electricity.

(3) The railway of every company incorporated at the present session of the Legislature or hereafter incorporated for the purpose of constructing and operating a railway with power to operate the same by steam or electricity, or partly by steam and partly by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways to be constructed by it.

Proviso.

(4) Provided, that this Act shall not apply to or include an electric railway constructed and operated within the limits of any city or town nor to any extension of such railway beyond such limits for a distance not exceeding one mile.

Rev. Stat. cc. 170, 171 not to apply unless named in special Act.

(5) No part of *The Railway Act of Ontario*, or the *Street Railway Act* shall apply to any electric railway company or other railway company, to which this Act shall wholly or in part apply, except in so far as they are expressly made applicable by the special Act. (*New.*)

What shall be sufficient in making an incorporation of this Act with special Acts.

5. The special Act shall be a public Act, and for the purpose of expressly incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates. R. S. O., c. 170, s. 5.

Power to construct railway, etc., to be exercised subject to provisions of this Act.

6. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O., c. 170, s. 6.

Compensation to be made for lands damaged.

7.—(1) For the value of lands taken, and for all damages to lands injuriously affected by the construction or operation of the railway, in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in any lands so taken or injuriously affected. R. S. O., c. 170, s. 7.

How compensation to be determined.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. R. S. O., c. 170, s. 7, ss. 2.

INCORPORATION.

Companies established under special Acts, declared to be bodies corporate, etc.

Rev. Stat. c. 1, s. 8 (25).

8. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporation, or are expressed or included in *The Interpretation Act*. R. S. O., c. 170, s. 8.

POWERS.

9. The company shall have power and authority— Powers:

(1) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only. R. S. O., c. 170, s. 9. To receive grants of land etc.;

(2) To purchase and hold and, when authorized in the manner hereinafter mentioned in this Act, to take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same. R. S. O., c. 170, s. 9, ss. 2. Purchase land;

(3) To construct, make, complete, alter and keep in repair an iron or steel railway to be operated by electricity or by any other motive power authorized by the special Act other than steam or horse power, with double or single iron or steel tracks, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements between the company and the councils of any of the said corporations and road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same. 57 V. c. 88, s. 2. Construct railways. 55 V. c. 42.

The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

(4) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose. 57 V. c. 88, s. 52, part. Warehouses, docks, etc.

(5) To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway. R. S. O., c. 170, s. 9, ss. 7. Erect necessary buildings, wharves, etc.

(6) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock of the company. Powers as to production and use of lectricity.

Lease or sell electricity not required for railway.

(7) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section. 57 V. c. 88, s. 17.

Rev. Stat., c. 165.

Acquiring rights for conveying electricity.

(8) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners whose interests are affected, and between the company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon any company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park or any land vested in the commissioners thereof without the consent of the commissioners and the approval of the Lieutenant-Governor in Council. 57 V. c. 88, s. 3.

All other matters and things necessary for railway.

(9) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act. R. S. O., c. 170, s. 9, ss. 9.

Convey persons and goods on railway.

(10) To take, transport, carry and convey persons and goods on the railway. R.S.O., c. 170, s. 9 (10), *part*.

Power to acquire lands for parks, etc.

(11) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such

lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section; provided, also, that such park or pleasure grounds shall not be open to the public on the Lord's Day; and provided, also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, also, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of the special Act; and provided further, that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company. 57 V. c. 88, s. 15 *part*. 55 V. c. 99, s. 21 *part*.

Proviso

Proviso.

Proviso.

Proviso.

Power to purchase whole lots.

10. Whenever the company in procuring sufficient lands, for stations or gravel pits, or for constructing, maintaining and using the said railways, can purchase the whole of any lot or parcel of land at a more reasonable price, or to greater advantage than it can purchase the part actually required for the purposes of the railway, the company may purchase, hold, use and enjoy such land, and also the right of way thereto, if the same be separated from its railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient. 51 V. c. 29, s. 115, Dom.

Acquiring material for construction.

11.—(1) When stone, gravel, earth or sand is required for the construction or maintenance of the railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required. 57 V. c. 88, s. 33 *part*.

Transmission of plan and application.

(2) The company may transmit such plan and description to the Commissioner of Public Works with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and stating that the company desires to acquire the fee simple in the said land from which said materials shall be taken or the right to take materials therefrom for the time mentioned therein and requesting the Commissioner of Public Works to authorize the taking thereof for such purposes under this Act. 51 V. c. 29, s. 107 *part*, Dom.

Notice to owner, etc.

(3) At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the Commissioner of Public Works in duplicate. 51 V., c. 29, s. 108, Dom. *part.*

Certificate of Minister required.

(4) The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of such application, and, if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan or any less quantity or the right to take materials therefrom as the case may be, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the department. 51 V. c. 29, s. 109, Dom.

Effect of certificate.

(5) Upon the granting of such certificate, and by virtue thereof, the company may acquire without the consent of the owners, the land shown on the said plan or the right to take materials therefrom as the case may be, as required for such purposes; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land or right all the powers granted in such case by this Act to electric railway companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the compulsory taking of land by the company and its valuation and the compensation therefor shall apply and are hereby extended to the land or right mentioned in the said certificate of the Commissioner of Public Works. 51 V. c. 29, s. 111 *part*, Dom.

Powers of the company in such cases.

Application of sub-s. 10 of s. 35 limited.

(6) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 10 of section 35 of this Act shall not apply.

Sidings to gravel pits.

12.—(1) When the said gravel, earth, stone or sand in the preceding section mentioned shall be situate at a distance from the line of railway and the company cannot agree with the owners of the intervening lands for a siding or right of way from the railway to the said lands, then the company may obtain power to acquire compulsorily such siding or right of way upon taking like proceedings and upon similar terms to those mentioned in the preceding clause of this Act. 57 V. c. 88, s. 34 (1) part.

(2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purposes than the purpose of constructing and maintaining the said railway. (*New*).

13. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. 57 V. c. 88, s. 23. Agreements with other companies for leasing or hiring rolling stock.

14. The company shall have power to enter into an agreement or agreements with any electric light company or companies, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed. 57 V. c. 88, s. 24. Agreemen[illegible] with electric light companies.

15. The prices to be paid by the company under and by virtue of any such agreement as in the last two sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. (*New.*) Confirmation of agreement by shareholders.

16. The company may also construct an electric telegraph line and a telephone line in connection with its railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, is hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. 57 V. c. 88, c. 25. Telegraph and telephone lines. Proviso.

Contracts for construction and equipment.

17. The company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way; provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders especially called for the purpose of considering the agreement or agreements. *New*, also 57 V. c. 88, c. 54 part.

Permission from municipal councils to expropriate lands.

18.—(1) In case the council of a municipality shall, by resolution, declare that the council is of opinion that a company incorporated with power to construct an electric railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality [and if the judge of the county court of the county certifies that in his opinion] the building of the proposed electric railway between the said points will be of considerable public advantage or convenience, the company, upon registering the resolution [and certificate] in the proper registry office, shall, in respect of lands lying between the points named and described in the said resolution and certificate, possess powers of expropriation to be exercised subject to the provisions of this Act. R. S. O., c. 171, s. 16.

(2) Such powers shall be exercised within the time limited for the completion of the railway and within two years from the passing of the resolution, and not afterwards. R. S. O., c. 171, s. 16 (2). (*New.*)

(3) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara and for a width inland of one mile from any part or point of the said River Niagara. R. S. O., c. 171, s. 16 (4).

(4) Except as provided by sections 11 and 12 of this Act the company shall possess no power of expropriation except under and in pursuance of the provisions of this clause, and any such power when obtained by it hereunder shall be exercised in the manner and subject to the conditions, restrictions, limitations and provisions contained in this clause or in the other clauses of this Act. (*New.*)

Application of 55 V. c. 42, s. 546.

19. The by-laws mentioned in sections 9, subsections 3 and 7, and the resolution mentioned in section 18, are subject to the conditions and provisions of section 546 of *The Consolidated Municipal Act 1892*.

BORROWING POWERS.

Power to issue bonds, debentures, and other securities and to raise money thereon.

20. The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed $10,000 for each mile of the railway. 53 V. c. 45, *part*.

(*a*) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, *part*.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be issued until twenty per centum of the authorized capital has been actually expended on the work.

(*d*) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed. 51 V. c. 29, s. 93, Dom.

Mortgages securing bonds, etc.

21. The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act, and next to the payment of the working expenses of the railway as in this Act defined other than the sinking fund and the interest on mortgage or debenture indebtedness.

(*a*) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*. 51 V. c. 29, s. 94, Dom.

Bonds, etc., how ranked.

22. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding section:

(*a*) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed. 51 V. c. 29, s. 95, Dom.

Rights of holders of bonds, etc., upon default in payment

23. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this section shall not be exercised by any such holder unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his

name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfer of shares.

(*b*) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed. 51 V. c. 29, s. 96, Dom.

Bonds, etc., mode of transfer of.

24. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares. 51 V. c. 29, s. 97, Dom.

Registration of instruments elsewhere than in office of Provincial Secretary not required.

25. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid.

Negotiable instruments.

26. The company may become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. S. C., 51 V. c. 29, s. 98.

Provision respecting surveys and levels.

27. When the company has power and desires to expropriate lands, plans and surveys shall be made and corrected as follows:—

Book of reference.

1. Surveys shall be taken and made of the lands intended to be expropriated through which the railway is to pass, together with a map or plan of said lands and of its course and direction through the same, and also a statement showing:—

(*a*) A general description of the said lands;

(*b*) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(*c*) Everything necessary for the right understanding of such map or plan. R. S. O., c 170, s. 10, ss. 1.

By whom certified.

2. The map or plan and statement shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the clerks of the peace in the districts or counties in which the said lands are situate, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said company; R. S. O., c. 170, s. 10, ss. 2.

Copies.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words. R. S. O., c. 170, s. 10, ss. 3.

Evidence.

4. The triplicates of such map or plan and statement so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere. R. S. O., c. 170, s. 10, ss. 4.

Omissions how remedied.

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or statement, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly. R. S. O., c. 170, s. 10, ss. 5.

Contents of certificate.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or statement shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate. R. S. O., c. 170, s. 10, ss. 6.

Railway not to be proceeded with until map, etc., deposited.

7. Until such original map or plan and statement have been so deposited, the execution of the part of the railway, affected thereby, shall not be proceeded with. R. S. O., c. 170, s. 10, ss. 8.

Clerks of the peace to receive copies of original plan, etc.

8. The clerks of the peace shall receive and retain the copies of the original plans and surveys, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars. R. S. O., c. 170, s. 10, ss. 9.

Copies certified by clerk to be good evidence in courts.

9. The copies of the maps, plans and statement, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required. R. S. O., c. 170, s. 10, ss. 10.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

28. The lands which may be taken without the consent of the proprietor thereof shall not exceed one chain in breadth. R. S. O., c. 170, s. 11.

Corporation, etc., may convey lands.

29.—(1) All corporations and persons whatever, tenants in tail or for life, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof. R. S. O., c. 170, s. 13, ss. 1.

Limitation of powers in certain cases.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company. R. S. O., c. 170, s. 13, ss. 2.

Effect of sale under preceding section.

30. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act. R. S. O., c. 170, s. 14.

Disposition of purchase money.

31. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided. R.S.O., c. 170, s. 15.

Effect of contracts made before deposit of map.

32. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and statement, and before the setting out and ascertaining of the lands required for the railway, shall, if duly registered in the proper registry office, be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, after such registration, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. R. S. O., c. 170, s. 16.

As to tenants in common, etc.

33. Wherever more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such lands, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. R. S. O., c. 170, s. 18.

After one month's notice of deposit of map, etc., application to the owner of lands.

34.—(1) After one month from the deposit of the map or plan and statement, and from notice thereof in at least one newspaper, if there is any, published in the districts and counties in which the lands intended to be expropriated lie, application may be made to the owners of such lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then if the company possesses powers of expropriation in respect of the particular lands required all questions which arise between the company and the owners of such lands shall be settled as in the next section mentioned. R. S. O., c. 170, s. 19, ss. 1.

(2) The deposit of a map or plan and statement, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required to be expropriated for the said railway and works. R. S. O., c. 170, s. 19, ss. 2. Deposit, etc., to be general notice.

35. If the company possesses powers to expropriate the lands in question then the following proceedings shall thereupon be taken in order to expropriate the same. A notice shall be served upon the party which shall contain: Notice to opposite party.

(*a*) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them).

(*b*) A declaration of readiness to pay some certain sum as the case may be, as compensation for such lands or for such damages; and

(*c*) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice:—

(1) That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the railway.

(2) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(3) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid. R. S. O., c. 170, s. 20.

(2) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county. R. S. O., c. 170, s. 20, ss. 3. If the party is absent or unknown.

(3) Wherever any judge of a county court is interested in lands taken or required within the county in which he is such judge, by any company, for railway purposes, a judge of the High Court shall, on application of such company, exercise in such case all the powers given to a judge of a county court by the provisions of this section of this Act in cases in which he, such judge of a county court, is not interested. 23 V. c. 29, s. 10; 24 V. c. 17, s. 3. Provision when the county judge is interested in lands required for any railway.

Party not accepting the company's offer, and not appointing an arbitrator.

(4) If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid. R. S. O., c. 170, s. 20, ss. 5.

Appointment of arbitrator by opposite party.

(5) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator. R. S. O., c. 170, s. 20, ss. 6.

Third arbitrator.

(6) If lands have been entered and taken by the company with or without the license of the persons in possession thereof and without any agreement as to the compensation to be paid therefor, or if the lands though not taken are injuriously affected by the making or operating of the railway, then any owner or person interested in such lands shall have power to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages declared by them, and thereupon like proceedings shall be taken to ascertain such compensation as is prescribed in cases where the company commences proceedings (*New.*)

Duties of arbitrators.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required. R. S. O., c. 170, s. 20, ss. 7; 38 V. c. 15, s. 4.

Stating amount found payable in award.

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land as well as the total amount to be paid to compensate the owners or for damages. R. S. O., c. 171, s. 16 (3).

Costs how paid.

(9) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid. R. S. O., c. 170, s. 20, ss. 8.

Arbitrators to consider increased value of remaining lands.

(10) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid. R. S. O., c. 170, s. 20, ss. 9.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation. R. S. O., c. 170, s. 20, ss. 10.

Parties to arbitrations under this Act may obtain subpœnas.

(12) Any party to an arbitration under this Act, may, without leave or order, obtain and issue out of any one of the high courts, upon *præcipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued out of such court in a civil case. R. S. O., c. 170, s. 20, ss. 11.

Disobedience thereto to be contempt of court.

Fees and conduct money.

(13) The same fees shall be payable for such subpœnas as in the case of subpœnas issued out of the High Court in civil cases, and the witnesses shall be entitled to the like conduct money. R. S. O., c. 170, s. 20, ss. 12.

Depositions to be in writing and filed with clerk of records and writs, with exhibits, etc.

(14) The arbitrators shall take down the depositions of witnesses in writing, and after the making of their award, when requested in writing by any of the parties, shall forthwith deliver, or transmit, by registered letter, said depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the clerk of records and writs of the chancery division of the High Court, with appropriate stamps, to be filed by such clerk with the records of the court. R. S. O., c. 170, s. 20, ss. 13.

Time within which award must be made.

(15) The judge by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not

made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them. R. S. O., c. 170, s. 20, ss. 14.

Arbitrator dying, etc.

(16) If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge, upon the application of either party, such judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. R. S. O., c. 170, s. 20, ss. 15.

Company may desist upon paying costs.

(17) Prior to the making of the award any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. R. S. O., c. 170, s. 20, ss. 16.

Arbitrators not disqualified unless personally interested.

(18) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge. R. S. O., c 170, s. 20 (17).

No objection admissible after a third arbitrator has been appointed.

How validity of objections to arbitrator determined.

(19) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator. R. S. O., c. 170, s. 20 (18).

(20) No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award. R. S. O., c. 170, s. 20 (19). Awards not avoided for want of form.

(21) Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of the High Court and upon the hearing of such appeal such judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction. R. S. O., c. 170, s. 20 (20). Parties to arbitration may appeal to a judge of High Courts.

(22) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the judge of the county court under *The County Courts Act*, subject to any General Rules or Orders (to be from time to time made by the judges of the High Court, in the same manner as they are authorized to make other General Rules and Orders respecting practice and procedure) altering and regulating such practice and proceedings. R. S. O., c. 170, s. 20 (21). Practice and proceedings upon appeal.

(23) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards. Existing practice as to setting aside awards continued.

(24) Upon payment or legal tender of the compensation so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do. R. S. O., c. 170, s. 20 (23). Possession may be taken on payment or tender, etc., of sum awarded.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving When compensation to stand in the place of the land.

always their recourse against such party. R.S.O., c. 170, s. 20 (25).

As to incumbrances, etc., upon lands, etc., purchased or taken.

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay such compensation into the office of the accountant of the Superior Court of Judicature, with the interest thereon for six months, and may deliver to the said accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. R. S. O., c. 170, s. 20 (26).

What notice to be published.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper if there is any published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain. R. S. O., c. 170, s. 20 (27).

By whom costs be paid.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the court deems it equitable to order. R. S. O., c. 170, s. 20 (28).

When interest to be returned to, or paid by the company.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right. R. S. O., c. 170, s. 20 (29).

HIGHWAYS, CROSSINGS AND BRIDGES.

Regulation of highways, crossings and bridges.

36. Highways, crossings and bridges shall be regulated as provided in the following sections:

Use of highways by company.

37. Neither the railway nor its cars, carriages, engines, motors or machinery shall be carried, operated or worked on,

over, through, under, along or across any street, highway or public place of any municipality unless first authorized by an agreement in respect thereof made between said company and such municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality, passed in pursuance thereof and subject also to the consent of any road company interested in any such street, highway or public place, and subject also in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of one-half in number of the owners of property fronting on such street or highway or public place where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with electricity, or other motive power, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as to inpede or incommode the public use of any such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same. 57 V. c. 88, s. 18.

Crossing steam railways.

38. Except in cities, towns, and incorporated villages the railway of any company operated by steam shall not be crossed or intersected at grade by the railways of the company. 57 V. c. 88, s. 19.

Laying rails flush with the streets.

39. Unless the company and the council of the municipality otherwise agree, the rails of the railway shall be laid (as nearly as practicable) flush with the streets, public roads and highways, and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets R. S. O., c. 117, s. 5.

Use of track by other vehicles.

40.—(1) On all public streets, roads and highways all other ordinary vehicles may use and travel in the said tracks, provided they do not unduly interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyances of the company. 46 V. c. 16, s. 6; R. S. O., c. 171, s. 6.

Railway not to rise more than one inch above level of highways when crossing the same.

(2) No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid. 51 V. c. 29, s. 184, Dom.

Guard wires.

(3) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity.

Protecting water pipes, etc., from injury by electricity.

(4) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground.

Right of action.

(5) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor.

Ascent of bridges.

41. The ascent of all bridges erected to carry any highway over any railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

FENCES.

Fences to be erected on each side of railway.

42.—(1) On each side of all that portion of the railway which is not passing along a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence, with openings or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway. R. S. O., c. 170, s. 30 (1).

Meaning of certain words.

(2) The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings.

Liability of company until cattle guards erected.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on that part of the railway hereby required to be fenced. R. S. O., c. 170, s. 30 (3).

TOLLS.

Tolls to be fixed by by-laws or otherwise.

43. Subject to the provisions of this Act, tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, and shall be paid to such persons and at such places near to or on the railway, and in such manner and under such regulations as provided by this Act or the said by-laws. R. S. O., c. 170, s. 31 (1).

(2) In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof. R. S. O., c. 170, s. 31 (2). How payment of tolls enforced.

(3) If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. R. S. O., c. 170, s. 31 (3). When, if tolls not paid, goods distrained may be sold.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto. R. S. O., c. 170, s. 31 (4). When goods distrained or detained may be sold.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the province, until claimed by the party entitled thereto. R. S. O., c. 170, s. 31 (5). How balance to be disposed of.

(6) Subject to the provisions of this Act, and subject particularly to the provisions of subsections 10 and 11 of section 43 of this Act, all or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls. R. S. O., c. 170, s. 31 (6). Tolls—how raised, or reduced.

(7) The fares to be taken by the company for each passenger shall not exceed five cents for any distance not exceeding three miles, and shall not exceed one cent per mile for any additional distance. Children under ten years of age shall be carried for three miles for three cents and for any additional distance at the rate of half a cent a mile. R. S. O., c. 171, s. 9 (1) *part*. Amount of fares.

(8) The rates hereinbefore limited shall apply wherever the passenger is carried only within the limits of the municipality; where he is carried from one municipality into another, or others, a fare double the said rates may be charged, unless the Carrying passenger outside limits of one municipality.

company and any municipality otherwise agree; provided that in no case shall a greater charge be made than at the rate of three cents per mile for adults and one and a half cents per mile for children. Children in arms to be in all cases carried free. R. S. O., c. 171, s. 9 (2).

When fare to be due.

(9) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and any person refusing to pay the same when demanded by the conductor or motorman, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than $10, besides costs;, and the same shall be recoverable before any justice of the peace. R. S. O., c. 171, s. 10.

Limit as to application of receipts of company.

(10) The tolls and fares to be levied by the company as nearly as possible shall be so fixed and regulated, that after paying "working expenses" the balance of the annual receipts shall not exceed eight per cent. or $8 on every $100, on the total capital stock of the company actually paid up in cash and then issued and outstanding; and if in any year the gross receipts from tolls and fares shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding ten per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account.;" provided that in no case shall the fares exceed the maximum rates prescribed by sub-sections 7 and 8 of section 43 of this Act. (*New.*)

Application of "surplus tolls account."

(11) The moneys at the credit of "the surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. or $8 on every $100, on the total capital stock of the company actually paid up in cash and then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised. (*New.*)

Table of tolls to be posted up in offices and cars.

(12) The directors shall, from time to time, print and post up, or cause to be printed and posted up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a

printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing. R. S. O., c. 170, s. 31 (8).

Tolls to be approved of by the Lieut.-Governor.

(13) No tolls on goods shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof. R. S. O., c. 170, s. 31 (9).

The Lieut.-Governor may revise by-laws fixing tolls.

(14) Every by-law fixing and regulating tolls on goods shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked. R. S. O., c. 170, s. 31 (10).

PROVISIONAL DIRECTORS AND THEIR POWERS.

Provisional directors, powers of.

44. The persons mentioned by name as such in the special Act are hereby constituted provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank of Canada moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the company, for any cause whatever. They may also fill vacancies in the board caused by death, resignation or other cause, but the provisional directors shall have no powers other than those given by this clause; or in terms conferred on provisional directors by the express words of this Act. S. C., c. 29, s. 33.

Apportionment when more than whole amount of stock subscribed.

45. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. S. C., c. 29, s. 34.

Excluding subscribers.

46. The provisional directors may in their discretion exclude any one from subscribing for stock or erase the names of any such subscribers who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act. 57 V. c. 88, s. 6, *part*.

Place of meeting of provisional directors.

47. All meetings of the provisional board of directors shall be held at the place in the special Act mentioned, or at such other place as may best suit the interest of the company.

CAPITAL.

Capital stock.

48. The capital stock of the company shall be stated in the special Act and shall be divided into shares of $100 each and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the passing of the special Act as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the surveys, plans and estimates of the works authorized by the special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. Provided that the directors may agree to pay a reasonable sum out of the funds of the company for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or in the purchase of the right of way, whether such promoters or other persons were provisional or are elected directors or not, and any agreement so made shall be binding on the company if and after the same shall be confirmed and approved by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company at the passing of such resolution issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. S. C., c. 29, s. 35, *part*; also 57 V. c. 88, s. 28, *part*.

Proviso.

Shares to be subject to be paid in cash.

49. Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash. *(New.)*

Shares not to be sold below par.

50. No share shall be sold by or for the company at less than its full nominal or par value. *(New.)*

Disposing of unissued or forfeited shares.

51. After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public notice shall be given by at least six insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold for cash to the highest tenderer at or above par. Pro-

vided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking. (*New.*)

First meeting for election of direction.

52. So soon as twenty-five per cent. of the authorized capital stock has been subscribed, and ten per cent. of the authorized capital stock has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 54 of this Act; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act.

Annual meetings.

Special meetings.

53.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting. 51 V. c. 29, s. 40, Dom.

Where to be held.

(2) All general meetings, whether annual or special, shall be held at the head office of the company.

Notice of meetings.

Evidence.

54.—(1) At least two weeks' public notice of any meeting shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. S. C., c. 29, s. 41.

What business may be transacted.

(2) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the special Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. 51 V. c. 29, s. 40, Dom.

Votes on shares.

(3) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders

are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid. S. C., c. 29, s. 43.

Shareholders may vote by proxy.

(4) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Form of proxy.

I, , of , one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of in the year

Votes by proxy valid.

(5) The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. 51 V., c. 29, s. 45, Dom.

Majority to govern.

PRESIDENT AND DIRECTORS.

Election of board of directors.

55.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a delay as possible after the day so appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held. R. S. O., c. 170, s. 34 (2).

Vacancies how to be filled up.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R. S. O., c. 170, s. 34 (3).

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen. R. S. O., c. 170, s. 34 (4).

Term of office of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors. R. S. O., c. 170, s. 34 (8).

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R. S. O., 1887, c. 170, s. 34 (9). Vacancies how supplied.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president. R. S. O., 1887, c. 170, s. 34 (10). President. Vice-President.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors. R. S. O., 1887, c. 170, s. 34 (11). Quorum.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors. R. S. O., 1887, c. 170, s. 34 (12). Acts of majority to bind the whole.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote. R. S. O., 1887, c. 170, s. 34 (13). Casting vote.

(11) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act. R. S. O., 1887, c. 170, s. 34 (14). Directors to be subject to shareholders and by-laws.

(12) Subject to clause 48 of this Act, no person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter, an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the Officers of company not to be directors.

benefit of the funds of the company, for the whole amount of profit accruing to such director from the contract so made or fulfilled. C. S. C., c. 66, s. 46, *part.*

By-laws for management of stock, etc.

(13) Subject to the provisions of this Act, the directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties and salaries. R. S. O., 1887, c. 170, s. 34 (16).

May appoint officers.

(14) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. Unreasonably large salaries shall not be paid. R. S. O., 1887, c. 170, s. 34 (17), s. 68.

Remuneration of directors.

(15) The directors may be paid such reasonable remuneration for their services for their year of office as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. (*New.*)

Vice-president to act in the absence of the president.

(16) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president. R. S. O., 1887, c. 170, s. 34 (18).

Absence of president may be entered in the minutes, and certified, etc.

(17) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of $1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise. R. S. O., 1887, c. 170, s. 34 (19).

Directors to cause annual accounts to be kept.

(18) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or

of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued and the amount actually received in cash for same, and the amount, if any, still unpaid thereon, and the amount of dividends paid or declared during such year, and the amount on the last day of such year at the credit of the surplus tolls account. This statement shall be filed on or before the last day of in each year, and in default thereof the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to said municipality. R. S. O., 1887, c. 170, s. 34 (20).

CALLS.

Calls.

56.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call.

Notice of meetings, how published.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices.

Payment of calls how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him in cash to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the

holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Certificate of proprietorship *prima facie* evidence.

(7) The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(9) Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(10) No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. R. S. O., 1887, c. 170, s. 35 (1)-(11).

Directors may sell forfeited shares by auction.

(12) The directors may sell such forfeited shares as hereinbefore prescribed. (*New.*)

Certificate of treasurer to be evidence of forfeiture and of title.

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest at the legal rate of interest for the time being; but such interest shall not be paid out of the capital subscribed. R. S. O., c. 170, s. 35 (13), (14). Interest may be allowed to shareholders paying money in advance on their shares.

DIVIDENDS.

57.—(1) At the annual general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise. R. S. O., c. 170, s. 36 (1). Declaration of dividend.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. (*New.*) Division of profits.

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. or $8 on every $100 actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company. (*New*) Dividends, how payable.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. R. S. O., 1887, c. 170, s. 36 (3). Dividends not to impair the capital.

(5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise. (*New.*) Application of annual revenue.

SHARES AND THEIR TRANSFER.

58.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. R. S. O., c. 170, s. 37. Shareholders may dispose of shares.

Form of sale.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:—

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, hereby do sell and transfer to him share (*or* shares) of the stock of the , to hold to him the said *C D.*, his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. And I the said *C. D.* do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Witness our hands this day of in the year 18 .

R. S. O., c. 170 s. 37 (2).

Shares to be personal estate —transfer of.

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid. R. S. O., c. 170, s. 37 (3).

Transmission of shares other than by transfer, provided for.

(4) If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof. R. S. O., c. 170, s. 37 (4).

Company not bound to see to execution of trusts.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts, and the company shall not be bound to see to the application of the money paid upon such receipts. R. S. O., c. 170, s. 37 (5).

Company not to take stock in other companies.

(6) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. R. S. O., 1887.

SHAREHOLDERS.

Shareholders individually liable till shares paid up.

59.—(1) Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. R. S. O., c. 170, s. 38.

Account of names and residence of shareholders to be kept.

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being. R. S. O., 1887.

Rights of aliens.

60. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

MUNICIPALITIES TAKING STOCK.

Municipal corporations may take stock.

61.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend any sum of money to the company, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than $20, and bearing or not bearing interest, as such municipal corporation thinks meet. R. S. O., c. 170, s 39.

Debentures issued by them to be binding.

(2) Any such debenture issued, endorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or endorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law. R. S. O., 1887.

Not to subscribe for stock unless by-laws are made for that purpose.

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a by-law to that effect has been duly assented to and passed in accordance with and subject to the provisions of s. 634 of *The Consolidated Municipal Act of 1892*, or of the provisions of *The Municipal Act* from time to time in force regulating this matter.

Rev. Stat. c. 174.

Mayor, etc., to be *ex officio* a director in certain cases.

(4) The mayor, warden or reeve, or other chief officer of such municipal corporation subscribing for and holding stock in the company to the amount of $5,000, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company. R. S. O., 1887.

AID TO THE RAILWAY.

Aid to railway.

62. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. 57 V., c. 88, s. 35

Gifts of lands.

63. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 57 V., c. 88, s. 36.

Aid from municipalities.

64. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with, and subject to the provisions relating to granting aid by way of bonuses to railways contained in *The Consolidated Municipal Act of 1892* or other law in force at the time of the application to the council for such aid. 57 V., c. 88, s. 37.

Submitting bonus by-law

65. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely (57 V., c. 88, s. 38):—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto. 55 V. c. 42. s. 308.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as afore said. 55 V. c. 24. s. 308.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

66. Such by-law shall in each instance provide

By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

67. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of

Petition against aid from county.

a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

68. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. 57 V. c. 88, s. 41.

Deposit to be made before by-law submitted.

69. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law. 57 V. c. 88, s. 42.

Council to pass by-law if assented to by ratepayers.

70. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 57 V. c. 88. s. 42.

Issue of debentures.

71. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. 57 V. c. 88, s. 44.

Levying rates on portion of municipality.

72. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. 57 V. c. 88, s. 45.

Application of provisions of 55 V. c. 42.

73. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 57 V. c. 88, s. 46.

74. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 57 V. c. 88, s. 47. Councils may extend time for commencement.

75. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time. 57 V. c. 88, s. 48. Councils may extend time for completion.

76. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. 57 V. c. 88, s. 48. Extent of aid from municipalities.

77. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. 57 V. c. 88, s. 49. By-laws granting exemption from taxation.

78. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment Issues of debentures. Proviso.

of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and new trustees appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council 57 V. c. 88, s. 20.

Trusts of proceeds of debentures.

79. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 57 V. c. 88, s. 21.

Fees to trustees.

80. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. 57 V. c. 88, s. 22.

BY-LAWS—NOTICES, ETC.

By-laws to be put into writing and signed by chairman.

81.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of

the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof. R. S. O. 1887

(2) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all courts of civil jurisdiction. Copies of minutes to be *prima facie* evidence.

(3) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. R. S. O. 1887, c. 170, s. 40. Notices by secretary valid.

WORKING OF THE RAILWAY.

82.—(1) Every railway company, which runs cars, carriages, or other vehicles upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such cars, carriages or other vehicles adapted to the same such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the motormen of such cars, carriages or other vehicles while the same are in motion—and good and sufficient means of applying, at the will of the motorman or other person appointed to such duty, the brakes to the wheels of the motors, cars, carriages or other vehicles, and of disconnecting the motors, cars, carriages or other vehicles from each other—and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages—and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the Commissioner of Public Works orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person. S. C. c. 29, s. 243. Best appliances for communication and for stopping trains to be used. Penalty for non-compliance. Liability for damages.

(2) Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from Servants to wear badges.

any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property. R. S. O., c. 170, s. 41 (1).

Trains to start at regular hours.

(3) The cars or trains shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the trains. R. S. O., c. 170, s. 41 (2).

Passengers and goods to be carried on payment of fare or freight.

(4) Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. R. S. O., c. 170, s. 41 (3).

The company liable for neglect or refusal.

(5) The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any agreement, notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants. R. S. O., c. 170, s. 41 (4).

Checks to be fixed on parcels.

(6) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. R. S. O., c. 170, s. 41 (5).

Penalty for refusing to give checks.

(7) If such check is refused on demand, the company shall pay to such passenger the sum of $8, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train. R. S. O., c. 170, s. 41 (6).

Locomotives to have bells or steam whistles.

(8) Every car shall be furnished with a gong of at least ten inches in diameter. R. S. O., c. 170, s. 41 (8).

To be rung or sounded at every crossing etc.

(9) The gong shall be sounded at the distance at least of eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the car has crossed such highway, under a penalty of $8 for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the motorman having charge of such car and neglecting to sound the gong as aforesaid. R. S. O., c. 170, s. 41 (9).

Passenger refusing to pay fare may be put out.

(10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. R. S. O., c. 170, s. 41 (10).

(11) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of $20 for every such offence. R. S. O., c. 170, s. 41 (12). As to goods of a dangerous nature.

(12) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. R. S. O., c. 170, s. 41 (13). Dangerous goods may be refused.

RAILWAY CROSSINGS.

83.—(1) The company may cross the lines of any electric railway company, or of any company to which this Act applies, or of any street railway company; Crossing lines of electric or street railways.

(a) Either by the authority of the Commissioner of Public Works, and upon such terms and conditions as the said commissioner shall think just and desirable;

(b) Or by the permission of the municipal council of the municipality or municipalities where the crossing is situate, conferred by a by-law passed for that purpose, and subject to the terms and conditions imposed by the said by-law;

Provided always that the company which seeks to cross shall pay all necessary costs and expenses incurred in altering the rails and otherwise making and completing the crossing.

(2) In case the company desires to cross the line of a railway company within the legislative authority of this Province, not being a railway company to which the Act applies, nor a street railway company, and such railway company objects, the company shall first obtain the sanction of the Commissioner of Public Works as to the proposed crossing and as to the mode of construction thereof, which said sanction the said commissioner is hereby empowered to give, and thereupon the company shall have the right to cross the other railway upon the terms and in the mode sanctioned by the said commissioner; provided always that the said commissioner before giving his sanction as aforesaid shall give to the railway company objecting an opportunity to be heard, and shall have full power to impose such terms as to cost of maintenance of the said crossing, and as to all other matters in connection therewith as he shall deem proper; provided, however, that the company desiring to cross shall always pay the whole of the cost and expenses of making the proposed crossing, which shall be so sanctioned as aforesaid. (*New.*) Crossing lines of railway companies.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

84. All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted within twelve months next after the time of such supposed damage sustained, or if there be continuation of damage, then within twelve months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act. R. S. O., c. 170, s. 42 (1).

Fines how recovered.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices. R. S. O., c. 170, c. 42 (2).

How applicable.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. R. S. O., c. 170, s. 42 (3).

When party may be committed.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. R. S. O., c. 170, s. 42 (4).

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

85. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture by this Act and the special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. R. S. O., c. 170, s. 43.

GENERAL PROVISIONS.

Provision as to the carriage of Her Majesty's mail, etc.

86.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and

others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council, as the case requires. R. S. O., c. 170, s. 44 (1).

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. R. S. O., c. 170, s. 44 (2).

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act. R. S. O, c. 170, s. 44 (3).

Tenders must be advertised for.

(4) No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender. R. S. O., c. 170, s. 44 (4).

Ten per cent. to be paid within three years from passing of Special Act.

(5) If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within —— years after the passing of the special Act, or if the railway is not finished and put in operation in — years from the passing of such special Act, the corporate existence and powers of the company shall cease. R. S. O., c. 170, s. 44 (5).

Account to be transmitted to the Provincial Secretary.

(6) After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. R. S. O., c. 170, s. 44 (6).

Variation in form or details may be made.

(7) No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company. R. S. O., c. 170, s. 44 (7).

And may dissolve any Corporation formed under this Act.

(8) The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred. R. S. O., c. 170, s. 44 (8).

Saving of Her Majesty's rights, etc.

(9) Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. R. S. O., c. 170, s. 44 (9).

Amending or altering Act.

(10) No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act with which this Act is or may be incorporated. R. S. O., c. 170, s. 44 (10).

Running railway on Lord's Day.

87.—(1) It shall not belawful for any company to which this Act applies to operate its railway on the Lord's Day.

(2) This section shall also apply to electric railways, heretofore incorporated, running from any city, town or incorporated village to a distance of more than one mile from the limits thereof. (*New.*)

Powers of High Court as to controlling companies relieving against agreement.

88. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in which the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in which residents of the municipality are interested, and in particular those relating to tolls, to capital, to president and directors, to dividends, and to the agreements mentioned in sections 13, 14 and 15 of this Act. (*New.*)

89. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. 57 V., c. 88, s. 30.

Conveyances of land to company.

INSPECTION OF RAILWAYS TO WHICH THIS ACT, IN WHOLE OR IN PART, APPLIES.

90. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, under the authority of this Act, and every person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. R. S. O., c. 170, s. 51.

Railway Inspectors.

Duties of.

91. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. R. S. O., c. 170, s. 52.

Railway not to be open till after one month's notice of intention to open the same.

92. If any railway or portion of a railway be opened without such notices, the company to whom such railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open, until the said notices have been duly given and have expired. R. S. O., c. 170, s. 53.

Penalty for contravention.

93. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the

Commissioner of Public Works, upon report of Inspectors and approval of Lieutenant-

Governor in Council, may order postponement of opening of road.

insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. R. S. O., c. 170, s. 54.

Penalty for opening contrary to the order of the Commissioner.

94. If any such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open contrary to such order or direction. R. S. O., c. 170, s. 55.

When only such order to be binding on the Company.

95. No such order shall be binding upon any railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. R. S. O., c. 170, s. 56.

When any railway bridge condemned by Commissioner and Inspectors, what to be done.

96. When any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of a railway constructed or in course of construction, or a motor, car or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the said Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the motor, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. R. S. O., c. 170, s. 57.

When Inspectors may forbid the running of trains, etc.

97. If, in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular motor, car or carriage should be run or used, the said Inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such motor, car or carriage, by delivering or causing to be delivered to the president, manag-

ing director, or secretary or superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. R. S. O., c. 170, s. 58.

Commissioner may modify report of Inspectors.

98. The said Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. R. S. O., c. 170, s. 59.

When the Commissioner may regulate speed, etc.

99. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times or rate of speed of running, of motors, cars or trains upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with any such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of $2000. R. S. O., c. 170, s. 60.

Penalty for non-compliance.

Companies to afford information to the Inspectors.

100. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by any such Inspector, and submit to such Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part. R. S. O., c. 170, s. 61.

Inspectors may use telegraph wires; for what purposes.

101. The Inspector shall have the right to use the telegraph or telephone wires and machinery in the offices of or under the control of any such railway company, for the purpose of communicating with any of the officers of the company, or transmitting any order of any such Inspector relating to the railway. R. S. O., c. 170, s. 62.

Operators and others to obey orders of Inspectors.

102. The operators or officers employed in the telegraph or telephone offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of $40. R. S. O., c. 170, s. 63.

Authority of Inspectors, how proved.

103. The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works. R. S. O., c. 170, s. 64.

Lieutenant-Governor may order permanent bridges to be substituted for movable bridges.

104. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of $200; and it shall not be lawful for a railway company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed, without the consent of the Lieutenant-Governor in Council previously had and obtained. R. S. O., c. 170, s. 65.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

105. In any case where a railway is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing. R. S. O., c. 170, s. 66.

Railway may be required to repair any level crossing out of repair.

106.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, reeve, or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his

Inspector's certificate to be conclusive.

hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any Court of competent jurisdiction, as money paid to the company's use. R. S. O., c. 170, s. 67.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises. Proviso.

107. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve the company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of such company under the existing laws of the Province. R. S. O., c. 170, s. 68. Inspection not to relieve Company from liability.

108. The company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 127 of this Act. R. S. O., c. 170, s. 69. Company to notify orders of Commissioner to its officers, etc.

109. All orders of the said Commissioner shall be considered as made known to the company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company. R. S. O., c. 170, s. 70. What to be deemed sufficient notice thereof.

110. The company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or whereby a bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and the company which wilfully Notice of accidents to be given to the Commissioner of Public Works.

omits to give such notice, shall forfeit to Her Majesty the sum of $200 for every day during which the omission to give the same continues. R. S. O., c. 170, s. 71.

Return of accidents to be made semi-annually.

111. The company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. R. S. O., c. 170, s. 72.

Form to be appointed by the Commissioner.

112. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct the railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to the company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. R. S. O., c. 170, s. 73.

Penalty for neglect.

113. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of $100 for every day during which the company neglects to deliver the same. R. S. O., c. 170, s. 74.

Such returns to be privileged communications.

114. All such returns shall be privileged communications and shall not be evidence in any Court whatsoever. R. S. O., c. 170, s. 75.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

115. The company shall, so soon as any portion of its railway thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding $10 per mile of railway constructed and in

use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Electric Railway Inspection Fund." R. S. O., c. 170, s. 76.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway, and how.

116. The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Oath of office.

"I, *A. B.*, having been appointed a Constable to act upon and along "*(here name the Railway)*, under the provisions of *The Electric Railway Act*, "*1895*, do swear that I will well and truly serve our Sovereign Lady "the Queen, in the said office of Constable, without favour or affection, "malice or ill-will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of my skill "and knowledge, discharge the duties thereof faithfully, according to law: "So help me God."

By whom to be administered.

(2) Such oath or declaration shall be administered by any one such Justice. R. S. O. c. 170, s. 81.

Powers of such constables, and to what localities they shall extend.

117. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. R. S. O. c. 170, s. 82.

Duties of such constables.

118. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any

offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. R. S. O. c. 170, s. 83.

Dismissal of any such constable.

119. Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of the railway company, or any clerk or agent of the company thereto authorized by the board, may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protections and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed. R. S. O. c. 170, s. 84.

Record of appointment of such constable to be kept.

Fees.

120. Every such railway company shall cause to be recorded, in the office of the clerk of the peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same within one week after the date of such appointment or dismissal, as the case may be; and every such clerk of the peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes. R. S. O. c. 170, s. 85.

Punishment of constables guilty of neglect of duty.

121. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than $80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. R. S. O. c. 170, s 86.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, etc.

122. The company shall make such by-laws, rules and regulations, to be observed by the conductors, motor men, and other officers and servants of the company, and by all other companies and persons using the railway of the company,

and such regulations with regard to the construction of the motor cars, or carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this part of the Act and the orders and regulations of the Lieutenant-Governor in Council. R. S. O. c. 179, s. 87.

Company may impose penalties for contravention of by-laws.

123. The company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. R. S. O. c. 170, s. 88.

How notice of by-laws or orders may be proved.

124. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. R. S. O. s. 179, s. 89.

When such proof, etc., to be a defence for the Company.

125. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. R. S. O. c. 170, s. 90.

Company not to impede navigation.

126. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried. R. S. O. c. 170, s. 91.

Railways crossing rivers, etc., regulated.

127. If the railway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council from time to time may determine. R. S. O. c. 170, s. 92.

Plans to be submitted to the Lieutenant-Governor in Council.

128. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved ; and no deviation from such approved site and plan shall be made without his consent. R. S. O. c. 170, s. 93.

Exception where special powers given by the Special Act.

129. Nothing contained in the three last preceding sections, shall be construed to limit or affect any power expressly given to the company by its special Act of incorporation or any special Act amending the same. R. S. O. c. 170, s. 94.

When a railway passes over a swing bridge, etc., train to stop for three minutes.

130. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage or train shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said railway company shall be subject to a fine or penalty of four hundred dollars. R. S. O. c. 170, s. 95.

Further precautions at level crossings.

131. Every railway company shall station an officer at every point on their line crossed on a level by any other railway, and no motor, car or carriage shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R. S. O. c. 170, s. 98.

Further precautions when one railway crosses another on a level;

132. Every motor, car or carriage on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of three minutes. R. S. O. c. 170, s. 99.

Or runs through a city, town, etc.

133. No motor, car or carriage shall pass in or through a thickly peopled portion of a city, town or village at a speed greater than ten miles per hour, unless the track is properly fenced. R. S. O. c. 170, s. 100.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

134. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. R. S. O. c. 170, s. 102.

The company may pay penalty and deduct from wages.

135. The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. C. S. C. c. 66, s. 161.

How penalties recovered and applied.

136. All penalties incurred under any of the sections of this Act may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any court having competent jurisdiction thereover; and shall, unless otherwise herein expressly provided, be paid to the treasurer of the province to the credit of "The Railway Inspection Fund." C. S. C. c. 66, s. 193.

SCHEDULE A.

(*Section 30.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Electric Railway Company their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered,
In the presence of,

[L.S.]

SCHEDULE B.

(*Section 21.*)

CHIEF ENGINEER'S CERTIFICATE. THE ELECTRIC RAILWAY COMPANY'S OFFICE.

No. A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on the Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of the Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*

No. 153.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Electric Railways.

First Reading, 26th March, 1895.

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 153.] **BILL.** [1895.

An Act respecting Electric Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Electric Railway Act, 1895.* Short title.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation of words.

(1) "The special Act" shall be construed to mean any Act authorizing the construction of an electric or other railway, and with which this Act wholly or in part is incorporated by the provisions of this Act or by the express terms of such special Act. "The special Act."

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; "Prescribed."

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof; "The lands."

(4) "The undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. R. S. O. 1887, chap. 170, sec. 2. "The undertaking."

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation of words in this Act and in special Acts.

(1) "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure; "Lands."

(2) "Lease" shall include any agreement for a lease; "Lease."

(3) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway; "Toll."

"Goods." (4) "Goods" shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith.

"County." (5) "County" shall include any union of counties, county, or riding; "district and county court judge" shall include a judge of a district court;

"Highways." (6) "Highways" shall mean all public roads, streets, lanes and other public ways and communications;

"Sheriff." (7) "Sheriff" shall include under sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "clerk of the peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any part of such lands are situate;

"Clerk of the peace."

"Justice." (8) "Justice" shall mean justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city or place, the word "justice" shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter;

"Owner." (9) "Owner," (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The company." (10) "The company" shall mean the company or party authorized by the special Act to construct the railway;

"The railway." (11) "The railway" shall mean the railway and works by the special Act authorized to be constructed;

"Shareholder." (12) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1887, chap. 170, sec. 3.

"Working expenses." (13) The expression "working expenses" shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the

rolling and other stock and moveable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, or for hire of power or rolling stock, also all usual expenses of or incidental to the working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses. Also all moneys owing by the company for any of the above items of expenses. Also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness. *(New.)*

"First issue of stock."

(14) The "first issue of stock" shall mean all stock subscribed for and allotted prior to the first meeting of shareholders of the company for organization and election of directors, and upon which at least ten per cent. has been paid in. *(New.)*

APPLICATION OF ACT.

Application of Act to electric railways hereafter incorporated.

4.—(1) This Act shall apply, unless otherwise expressed in the special Act, to every electric railway subject to the legislative authority of this Province, authorized to be constructed by any special Act passed at the present session of the Legislature, or passed after this Act takes effect, and shall also apply to every railway to which this Act is expressly made applicable by any special Act, and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, except in so far as they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall as well as the clauses and provisions of every other Act expressly incorporated with such special Act, form part of such special Act and be construed together therewith as forming one Act. R. S. O., chap. 170, sec. 4.

Electric railways incorporated at present session of Legislature.

(2) Notwithstanding anything contained in *The Street Railway Act* or in any other Act of the Legislature of Ontario, the railway of every company incorporated at the present session of the Legislature, or hereafter incorporated for the purpose of constructing and operating a railway to be operated by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways constructed by it.

Railway which may be operated by steam or electricity.

(3) The railway of every company incorporated at the present session of the Legislature or hereafter incorporated for the purpose of constructing and operating a railway with power to operate the same by steam or electricity, or partly by steam and partly by electricity, shall be so constructed and

operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways to be constructed by it.

☞(4) Whenever any railway company shall be by any special Act passed at the present session of the Legislature, or hereafter passed, authorized to extend its railway and to operate such extension by electricity, the provisions of this Act shall, so far as the same are applicable, apply and extend to the construction and operation of every such extension.☜

Proviso.

(5) Provided, that this Act shall not apply to or include an electric railway *wholly* constructed and operated within the limits of any city or town nor to any extension of such railway beyond such limits for a distance not exceeding one *and one-half miles.*

Rev. Stat. cc. 170, 171 not to apply unless named in special Act.

(6) No part of *The Railway Act of Ontario,* or the *Street Railway Act* shall apply to any electric railway company or other railway company, to which this Act shall wholly or in part apply, except in so far as they are expressly made applicable by the special Act. (*New.*)

What shall be sufficient in making an incorporation of this Act with special Acts.

5. The special Act shall be a public Act, and for the purpose of expressly incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates. R. S. O., c. 170, s. 5.

Power to construct railway, etc., to be exercised subject to provisions of this Act.

6. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O., c. 170, s. 6.

Compensation to be made for lands damaged.

7.—(1) For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway, in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in any lands so taken or injuriously affected. R. S. O., c. 170, s. 7.

How compensation to be determined.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascer-

tained and determined in the manner provided by this Act. R. S. O., c. 170, s. 7, ss. 2.

INCORPORATION.

8. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporation, or are expressed or included in *The Interpretation Act*. R. S. O., c. 170, s. 8.

Companies established under special Acts, declared to be bodies corporate, etc.

Rev. Stat. c. 1, s. 8 (25).

POWERS.

9. The company shall have power and authority—

Powers:

(1) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only. R. S. O., c. 170, s. 9.

To receive grants of land etc.;

(2) To purchase and hold and, when authorized in the manner hereinafter mentioned in this Act, to take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same. R. S. O., c. 170, s. 9, ss. 2.

Purchase land;

(3) To *survey*, *lay out*, construct, make, complete, alter and keep in repair an iron or steel railway to be operated by electricity or by any other motive power authorized by the special Act, with double or single iron or steel tracks, and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to *the* restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same. 57 V. c. 88, s. 2.

Construct railways.

55 V. c. 42.

(4) The gauge of the said railway shall be four feet eight and one-half inches.

Gauge.

Warehouses, docks, etc.

(5) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways. 57 V. c. 88, s. 52, part.

Erect necessary buildings, wharves, etc.

(6) To erect and maintain all necessary and convenient buildings, stations, depots, *wharves* and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway. R. S. O., c. 170, s. 9, ss. 7.

Powers as to production and use of electricity.

(7) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell electricity not required for railway.

(8) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section. 57 V. c. 88, s. 17.

Rev. Stat., c. 165.

Acquiring rights for conveying electricity.

(9) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners *of the land* affected, and between the company and any municipality in which such works or any part thereof *or of the railway* may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, *or*

as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon *the* company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park or any land vested in the commissioners thereof without the consent of the commissioners and the approval of the Lieutenant-Governor in Council. 57 V. c. 88, s. 3.

All other matters and things necessary for railway.

(9) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act. R. S. O., c. 170, s. 9, ss. 9.

Convey persons and goods on railway.

(10) To take, transport, carry and convey persons and goods on the railway, and to regulate the time and manner in which the same shall be transported. R. S. O., c. 170, s. 9 (10), *part.*

Power to acquire lands for parks, etc.

(11) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds;

Proviso.

Provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section;

Proviso.

Provided that such park or pleasure grounds shall not be open to the public on the Lord's Day;

Proviso.

Provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres;

Proviso.

Provided that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of the special Act;

Proviso.

Provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company. 57 V. c. 88, s. 15 *part.* 55 V. c. 99, s. 21 *part.*

Power to purchase whole lots.

10. Whenever the company in procuring sufficient lands, for stations or gravel pits, or for constructing, maintaining and using the railway, can purchase the whole of any lot or parcel of land at a more reasonable price, or to greater advantage than it can purchase the part actually required for the purposes of the railway, the company may purchase, hold, use and enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from its railway, and may sell and convey the same or any part thereof from time to time as *it* may deem expedient 51 V. c. 29, s. 115, Dom.

Acquiring material for construction.

11.—(1) When stone, gravel, earth or sand is required for the construction or maintenance of the railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required. 57 V. c. 88, s. 33 *part*.

Transmission of plan and application.

(2) The company may transmit such plan and description to the Commissioner of Public Works with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and stating *either* that the company desires to acquire the fee simple in the said land from which said materials shall be taken or the right to take materials therefrom for the time mentioned therein and requesting the Commissioner of Public Works to authorize the taking thereof for such purposes under this Act. 51 V. c. 29, s. 107 *part*, Dom.

Notice to owner, etc.

(3) At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the Commissioner of Public Works in duplicate. 51 V., c. 29, s. 108, Dom. *part*.

Certificate of Minister required.

(4) The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of such application, and, if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan or any less quantity or the right to take materials therefrom as the case may be, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the department. 51 V. c. 29, s. 109, Dom.

(5) Upon the granting of such certificate, and by virtue thereof, the company may acquire without the consent of the owners, the land shown on the said plan or the right to take materials therefrom as the case may be, as required for such purposes; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land or right all the powers granted in such case by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the compulsory taking of land by the company and its valuation and the compensation therefor shall apply and are hereby extended to the land or right mentioned in the said certificate of the Commissioner of Public Works. 51 V. c. 29, s. 111 *part*, Dom.

Effect of certificate.

Powers of the company in such cases.

(6) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 10 of section 35 of this Act shall not apply.

Application of sub-s. 10 of s. 35 limited.

12.—(1) When the said gravel, earth, stone or sand in the preceding section mentioned shall be situate at a distance from the line of railway and the company cannot agree with the owners of the intervening lands for a siding or right of way from the railway to the said lands, then the company may obtain power to acquire compulsorily such siding or right of way upon taking like proceedings and upon similar terms to those mentioned in the preceding clause of this Act. 57 V. c. 88, s. 34 (1) part.

Sidings to gravel pits.

(2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purposes than the purpose of constructing and maintaining the said railway. (*New*).

13. The directors of the company shall have power to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company on such terms as to compensation and otherwise as may be agreed upon. 57 V. c. 88, s. 23.

Agreements with other companies for leasing or hiring rolling stock.

Agreement with electric light companies.

14. The company shall have power to enter into an agreement or agreements with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to construct, carry on and operate the railway. 57 V. c. 88, s. 24.

Confirmation of agreement by shareholders.

15. The prices to be paid by the company under and by virtue of any such agreement as in the last two sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. (*New.*)

Telegraph and telephone lines.

16. The company may also construct an electric telegraph line and a telephone line in connection with its railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, is hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. 57 V. c. 88, c. 25.

Proviso.

Contracts for construction and equipment.

17. The company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the *railway* or any part thereof, including or excluding the purchase of right of way; provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders especially called for the purpose of considering the agreement or agreements. *New*, also 57 V. c. 88, c. 54 part.

18.—(1) In case the council of a municipality shall, by resolution, declare that the council is of opinion that a company incorporated with power to construct an electric railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality [and if the judge of the county court of the county certifies that in his opinion] the building of the proposed electric railway between the said points will be of considerable public advantage or convenience, the company, upon registering the resolution [and certificate] in the proper registry office, shall, in respect of lands lying between the points named and described in the said resolution and certificate, possess powers of expropriation to be exercised subject to the provisions of this Act. Provided however that when the council refuses or neglects to pass such resolution, the Commissioner of Public Works, if the judge of the county court certifies as aforesaid, may by his order confer upon the company the powers of expropriation within the particular municipality. But the council shall be entitled to at least one week's notice of the hearing of the application by the commissioner. R. S. O., c. 171, s. 16.

Permission from municipal councils to expropriate lands.

(2) Such powers shall be exercised within the time limited for the completion of the railway and within two years from the passing of the resolution, and not afterwards. R. S. O., c. 171, s. 16 (2). (*New.*)

(3) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara and for a width inland of one mile from any part or point of the said River Niagara. R. S. O., c. 171, s. 16 (4).

(4) Except as provided by sections 11 and 12 of this Act the company shall possess no power of expropriation except under and in pursuance of the provisions of this clause, and any such power when obtained by it hereunder shall be exercised in the manner and subject to the conditions, restrictions, limitations and provisions contained in this clause or in the other clauses of this Act. (*New.*)

19. The by-laws mentioned in section 9, sub-sections 3 and 8, and the resolution mentioned in section 18, are subject to the conditions and provisions of section 546 of *The Consolidated Municipal Act 1892.*

Application of 55 V. c. 42, s. 546.

BORROWING POWERS.

20. The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the

Power to issue bonds, debentures, and other securities and to raise money thereon.

company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed $10,000 for each mile of the railway. 53 V. c. 45, *part.*

(*a*) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be issued until twenty per centum of the authorized capital has been actually expended on the work.

(*d*) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed. 51 V. c. 29, s. 93, Dom.

Mortgages securing bonds, etc.

21. The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act, and next to the payment of the working expenses of the railway as in this Act defined other than the sinking fund and the interest on mortgage or debenture indebtedness.

(*a*) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*. 51 V. c. 29, s. 94, Dom.

Bonds, etc., how ranked.

22. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding section:

(*a*) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed. 51 V. c. 29, s. 95, Dom.

Rights of holders of bonds, etc., upon default in payment.

23. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this section shall not be exercised by any such holder unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his

name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfer of shares.

(*b*) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed. 51 V. c. 29, s. 96, Dom.

Bonds, etc., mode of transfer of.

24. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares. 51 V. c. 29, s. 97, Dom.

Registration of instruments elsewhere than in office of Provincial Secretary not required.

25. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid.

Negotiable instruments.

26. The company may become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, *drawn*, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company or other officer authorized by the by-laws of the company, shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or other officer so authorized be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without *proper* authority; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. S. C., 51 V. c. 29, s. 98.

PLANS AND SURVEYS.

27. When the company has power and desires to expropriate lands, plans and surveys shall be made and corrected as follows:— Provision respecting surveys and levels.

1. Surveys shall be taken and made of the lands intended to be expropriated through which the railway is to pass, together with a map or plan of said lands and of its course and direction through the same, and also a statement showing:— Book of reference.

(*a*) A general description of the said lands;

(*b*) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(*c*) Everything necessary for the right understanding of such map or plan. R. S. O., c 170, s. 10, ss. 1.

2. The map or plan and statement shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the clerks of the peace in the districts or counties in which the said lands are situate, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said company; R. S. O., c. 170, s. 10, ss. 2. By whom certified.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words so extracted or copied. R. S. O., c. 170, s. 10, ss. 3. Copies.

4. The triplicates of such map or plan and statement so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere. R. S. O., c. 170, s. 10, ss. 4. Evidence.

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or statement, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly. R. S. O., c. 170, s. 10, ss. 5. Omissions how remedied.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or statement shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate. R. S. O., c. 170, s. 10, ss. 6. Contents of certificate.

Railway not to be proceeded with until map, etc., deposited.

7. Until such original *or corrected* map or plan and statement have been so deposited, the execution of the part of the railway, affected thereby, shall not be proceeded with. R. S. O., c. 170, s. 10, ss. 8.

Clerks of the peace to receive copies of original plan, etc.

8. The clerks of the peace shall receive and retain the copies of the original *and corrected* plans and surveys, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars. R S. O., c. 170, s. 10, ss. 9.

Copies certified by clerk to be good evidence in courts.

9. The copies of the maps, plans and statement, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required. R. S. O., c. 170, s. 10, ss. 10.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

28. The lands which may be taken without the consent of the proprietor thereof shall not exceed one chain in breadth. R. S. O., c. 170, s. 11.

Corporation, etc., may convey lands.

29.—(1) All corporations and persons whatever, tenants in tail or for life *guardians*, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof. R. S. O., c. 170, s. 13, ss. 1.

Limitation of powers in certain cases.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company. R. S. O., c. 170, s. 13, ss. 2.

Effect of sale under preceding section.

30. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act. R. S. O., c. 170, s. 14.

Disposition of purchase money.

31. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided. R.S.O., c. 170, s. 15.

Effect of contracts made before deposit of map.

32. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and statement, and before the setting out and ascertaining of the lands required for the railway, shall, if duly registered in the proper registry office, be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, after such registration, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. R. S. O., c. 170, s. 16.

As to tenants in common, etc.

33. Wherever more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such lands, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. R. S. O., c. 170, s. 18.

After one month's notice of deposit of map, etc., application to the owner of lands.

34.—(1) After one month from the deposit of the map or plan and statement, and from notice thereof in at least one newspaper, if there is any, published in the districts and counties in which the lands intended to be expropriated lie, application may be made to the owners of such lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then if the company possesses powers of expropriation in respect of the particular lands required all questions which arise between the company and the owners of such lands shall be settled as in the next section mentioned. R. S. O., c. 170, s. 19, ss. 1.

Deposit, etc., to be general notice.

(2) The deposit of a map or plan and statement, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required to be expropriated for the said railway and works. R. S. O., c. 170, s. 19, ss. 2.

Notice to opposite party.

35. If the company possesses powers to expropriate the lands in question then the following proceedings shall thereupon be taken in order to expropriate the same. A notice shall be served upon the party which shall contain:

(*a*) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them).

(*b*) A declaration of readiness to pay some certain sum as compensation for such lands or for such damages; and

(*c*) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice:—

(1) That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the railway.

(2) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(3) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid. R. S. O., c. 170, s. 20.

If the party is absent or unknown.

(2) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county. R. S. O., c. 170, s. 20, ss. 3.

Provision when the county judge is interested in lands required for any railway.

(3) Wherever any judge of a county court is interested in lands taken or required within the county in which he is such judge, by any company, for railway purposes, a judge of the High Court shall, on application of such company, exercise in such case all the powers given to a judge of a county court by the provisions of this section in cases in which he, such judge of a county court, is not interested. 23 V. c. 29, s. 10; 24 V. c. 17, s. 3.

(4) If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid. R. S. O., c. 170, s. 20, ss. 5. Party not accepting the company's offer, and not appointing an arbitrator.

(5) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator. R. S. O., c. 170, s. 20, ss 6. Appointment of arbitrator by opposite party. Third arbitrator.

(6) If lands have been entered *on* and taken by the company with or without the license of the persons in possession thereof and without any agreement as to the compensation to be paid therefor, or if the lands though not taken are injuriously affected by *or through the construction* of the railway, then any owner or person interested in such lands shall have power to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages *claimed* by *him*, and thereupon like proceedings shall be taken to ascertain such compensation as is prescribed in cases where the company commences proceedings (*New.*) Party other than company commencing proceedings to determine compensation.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required. R. S. O., c. 170, s. 20, ss. 7; 38 V. c. 15, s. 4. Duties of arbitrators.

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land as well as the total amount to be paid to compensate the owners or for damages. R. S. O., c. 171, s. 16 (3). Stating amount found payable in award.

Costs how paid.

(9) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid. R. S. O., c. 170, s. 20, ss. 8.

Arbitrators to consider increased value of remaining lands.

(10) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid. R. S. O., c. 170, s. 20, ss. 9.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation. R. S. O., c. 170, s. 20, ss. 10.

Parties to arbitrations under this Act may obtain subpœnas.

(12) Any party to an arbitration under this Act, may, without leave or order, obtain and issue out of any one of the high courts, upon *præcipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued out of such court in a civil case. R. S. O., c. 170, s. 20, ss. 11.

Disobedience thereto to be contempt of court.

Fees and conduct money.

(13) The same fees shall be payable for such subpœnas as in the case of subpœnas issued out of the High Court in civil cases, and the witnesses shall be entitled to the like conduct money. R. S. O., c. 170, s. 20, ss. 12.

Depositions to be in writing and filed with clerk of records and writs, with exhibits, etc.

(14) The arbitrators shall take down the depositions of witnesses in writing, and after the making of their award, when requested in writing by any of the parties, shall forthwith deliver, or transmit, by registered letter, said depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the clerk of records and writs of the chancery division of the High Court, with appropriate stamps, to be filed by such clerk with the records of the court. R. S. O., c. 170, s. 20, ss. 13.

Time within which award must be made.

(15) The judge by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not

made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them. R. S. O., c. 170, s. 20, ss. 14.

Arbitrator dying, etc.

(16) If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge, upon the application of either party, such judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. R. S. O., c. 170, s. 20, ss. 15.

Company may desist upon paying costs.

(17) Prior to the making of the award any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. Provided, however, that the right of desisting shall not be exercised more than once. R. S. O., c. 170, s. 20, ss. 16.

Arbitrators not disqualified unless personally interested.

(18) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge. R. S. O., c 170, s. 20 (17)

No objection admissible after a third arbitrator has been appointed.

How validity of objections to arbitrator determined.

(19) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator. R. S. O., c. 170, s. 20 (18).

Awards not avoided for want of form.

(20) No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award. R. S. O., c. 170, s. 20 (19).

Parties to arbitration may appeal to a judge of High Courts.

(21) Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of the High Court and upon the hearing of such appeal such judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction. R. S. O., c. 170, s. 20 (20).

Practice and proceedings upon appeal.

(22) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the judge of the county court under *The County Courts Act*, subject to any General Rules or Orders (to be from time to time made by the judges of the High Court, in the same manner as they are authorized to make other General Rules and Orders respecting practice and procedure) altering and regulating such practice and proceedings. R. S. O., c. 170, s. 20 (21).

Existing practice as to setting aside awards continued.

(23) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession may be taken on payment or tender, etc., of sum awarded.

(24) Upon payment or legal tender of the compensation so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do. R. S. O., c. 170, s. 20 (23).

When compensation to stand in the place of the land.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party. R. S. O., c. 170, s. 20 (25).

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay such compensation into the office of the accountant of the Superior Court of Judicature, with the interest thereon for six months, and may deliver to the said accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. R. S. O., c. 170, s. 20 (26). As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper if there is any published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain. R. S. O., c. 170, s. 20 (27). What notice to be published.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the court deems it equitable to order. R. S. O., c. 170, s. 20 (28). By whom costs be paid.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right. R. S. O., c. 170, s. 20 (29). When interest to be returned to, or paid by the company.

HIGHWAYS, CROSSINGS AND BRIDGES.

36. Highways, crossings and bridges shall be regulated as provided in the following sections: Regulation of highways, crossings and bridges.

37.—(1) The railway, its cars, carriages, engines, motors or machinery shall *not* be carried, operated or worked on, *upon or* along any street, highway or public place of any municipality unless first authorized by an agreement in respect thereof made Use of highways by company.

between said company and such municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality, *to be* passed in pursuance thereof and subject also to the consent of any road company interested in any such street, highway or public place, and subject also in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of the owners *of one half of the* property fronting on such street or highway or public place where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with electricity, or other motive power, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as to *impede* or incommode the public use of any such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same. 57 V. c. 88, s. 18.

☞Provided, however, that when the consent of the municipality has been obtained and an agreement has been entered into as aforesaid and the consent of at least one half of the owners of property fronting on such street, highway or public place cannot be obtained, the Commissioner of Public Works may dispense with such last mentioned consent if in his opinion it is in the public interest so to do. One week's notice of application to the Commissioner shall be given on the company's behalf to the persons who refuse such consent.☜

Crossing steam railways.

38. Except in cities, towns, and incorporated villages the railway of any company operated by steam shall not be crossed or intersected at grade by the railways of the company. 57 V. c. 88, s. 19.

Laying rails flush with the streets.

39. Unless the company and the council of the municipality otherwise agree, the rails of the railway shall be laid (as nearly as practicable) flush with the streets, public roads and highways, *over, along or across which it passes* and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets. R. S. O., c. 117, s. 5.

Use of track by other vehicles.

40.—(1) On all public streets, roads and highways ☞along which the railway is authorized to pass☜ all other ordinary vehicles may use and travel in the said tracks, provided they do not unduly interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyances of the company. 46 V. c. 16, s. 6; R. S. O., c. 171, s. 6.

Railway not to rise more than one inch above level of highways when crossing the same.

(2) No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid. 51 V. c. 29, s. 184, Dom.

(3) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity. Guard wires.

(4) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section. Protecting water pipes, etc., from injury by electricity.

(5) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor. Right of action.

41. The ascent of all bridges erected to carry any highway over any railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge. Ascent of bridges.

FENCES.

42.—(1) On each side of all that portion of the railway which is not passing along a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence, with openings or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway. R. S. O., c. 170, s. 30 (1). Fences to be erected on each side of railway.

(2) The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings. Meaning of certain words.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their *motors, cars, carriages or* trains to cattle, horses or other animals on that part of the railway hereby required to be fenced. R. S. O., c. 170, s. 30 (3). Liability of company until cattle guards erected.

TOLLS.

43. Subject to the provisions of this Act, tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or on its motors, cars or carriages and shall be paid to such persons and at such places near to or on the railway, and in such manner and under such regulations as provided by this Act or the said by-laws. R. S. O., c. 170, s. 31 (1). Tolls to be fixed by by-laws or otherwise.

How payment of tolls enforced.

(2) In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof. R. S. O., c. 170, s. 31 (z).

When, if tolls not paid, goods distrained may be sold.

(3) If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. R. S. O., c. 170, s. 31 (3).

When goods distrained or detained may be sold.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto. R. S. O., c. 170, s. 31 (4).

How balance to be disposed of.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the province, until claimed by the party entitled thereto. R. S. O., c. 170, s. 31 (5).

Tolls—how raised, or reduced.

(6) Subject to the provisions of this Act, and subject particularly to the provisions of subsections 10 and 11 of *this* section 43 of this Act, all or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls. R. S. O., c. 170, s. 31 (6).

Amount of fares.

(7) The fares to be taken by the company for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free. R. S. O., c. 171, s. 9 (1) *part*.

When fare to be due.

(8) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and any person refusing to pay the same when demanded by the conductor or motorman, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than $10, besides costs; and the same shall be recoverable before any justice of the peace. R. S. O., c. 171, s. 10.

(9) The tolls and fares to be levied by the company as nearly as possible shall be so fixed and regulated, that after paying "working expenses" the balance of the annual receipts shall not exceed eight per cent. (or $8 on every $100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; and if in any year the gross receipts from tolls and fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized to be worked, operated or carried on by the company by this or the special Act, shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding *eight* per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by sub-section 7 of *this* section. (*New.*)

Limit as to application of receipts of company.

(10) The moneys at the credit of "the surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or $8 on every $100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall *by by-law* make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised. (*New.*)

Application of "surplus tolls account."

(11) Provided that if, during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient, after paying the working expenses of the railway, to pay a dividend of five per cent. on the total amount paid up on the stock of the company, the company may charge against the surplus tolls account an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amount actually paid up on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the surplus tolls account shall equal an amount sufficient to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid.

Table of tolls to be posted up in offices and cars.

(12) The directors shall, from time to time, print and post up, or cause to be printed and posted up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing. R. S. O., c. 170, s. 31 (8).

Tolls to be approved of by the Lieut.-Governor.

(13) No tolls on goods shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof. R. S. O., c. 170, s. 31 (9).

The Lieut.-Governor may revise by-laws fixing tolls.

(14) Every by-law fixing and regulating tolls on goods shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked. R. S. O., c. 170, s. 31 (10).

Payment of back charges on goods.

(15) The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on the payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

PROVISIONAL DIRECTORS AND THEIR POWERS.

Provisional directors, powers of.

44. The persons mentioned by name as such in the special Act are hereby constituted provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank of Canada *all* moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the company, for any cause whatever. They may also fill vacancies in the board caused by death, resignation or other cause, but the provisional directors shall have no powers other than those given by this clause; or in terms conferred on provisional directors by the express words of this Act. S. C., c. 29, s. 33.

Apportionment when more than whole amount of stock subscribed.

45. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. S. C., c. 29, s. 34.

46. The provisional directors may in their discretion exclude any one from subscribing for stock or erase the names of any such subscribers who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act *and of the special Act.* 57 V. c. 88, s. 6, *part.* Excluding subscribers.

47. All meetings of the provisional board of directors shall be held at the place in the special Act mentioned, or at such other place as may best suit the interest of the company. Place of meeting of provisional directors.

CAPITAL.

48. The capital stock of the company shall be stated in the special Act and shall be divided into shares of $100 each and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the passing of the special Act as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the surveys, plans and estimates of the works authorized by the special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. Provided that the directors may agree to pay a reasonable sum out of the funds of the company for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or in the purchase of the right of way, whether such promoters or other persons were provisional or are elected directors or not, and any agreement so made *if reasonable*, shall be binding on the company if and after the same shall be confirmed and approved by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company at the passing of such resolution issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. S. C., c. 29, s. 35, *part*; also 57 V. c. 88, s. 28, *part.* Capital stock. Proviso.

49. Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash. *(New.)* Shares to be subject to be paid in cash.

50. No share shall be sold by or for the company at less than its full nominal or par value. *(New.)* Shares not to be sold below par.

51. After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public notice shall be given by at least *four* insertions in any newspaper published in or nearest to the municipality in which Disposing of unissued or forfeited shares.

the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold for cash to the highest tenderer at or above par. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking. (*New.*)

First meeting for election of directors.

52. So soon as twenty-five per cent. of the authorized capital stock has been subscribed, and ten per cent. of the authorized capital stock has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 54 of this Act; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act.

Annual meetings.

53.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting. 51 V. c. 29, s. 40, Dom.

Special meetings.

Where to be held.

(2) All general meetings, whether annual or special, shall be held at the head office of the company.

Notice of meetings.

54.—(1) At least two weeks' public notice of any meeting *of the shareholders* shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. S. C., c. 29, s. 41.

Evidence.

What business may be transacted.

(2) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the special Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. 51 V. c. 29, s. 40, Dom.

(3) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid. S. C., c. 29, s. 43. Votes on shares.

(4) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, , of , one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said thinks proper. Form of proxy.

In witness whereof, I have hereunto set my hand and seal, the day of in the year

(5) The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. 51 V., c. 29, s. 45, Dom. Votes by proxy valid. Majority to govern.

PRESIDENT AND DIRECTORS.

55.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a delay as possible after the day so appointed. Election of board of directors.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held. R. S. O., c. 170, s. 34 (2). Who entitled to vote.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R. S. O., c. 170, s. 34 (3). Vacancies how to be filled up.

(4) No person shall be a director unless he is a shareholder owning *at least ten shares of* stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen. R. S. O., c. 170, s. 34 (4). Who qualified to be a director.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors. R. S. O., c. 170, s. 34 (8) Term of office of directors.

Vacancies how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R. S. O., 1887, c. 170, s. 34 (9).

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or

Vice-President.

until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president. R. S. O., 1887, c. 170, s. 34 (10).

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors. R. S. O., 1887, c. 170, s. 34 (11).

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors. R. S. O., 1887, c. 170, s. 34 (12).

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote. R. S. O., 1887, c. 170, s. 34 (13).

Directors to be subject to shareholders and by-laws.

(11) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act. R. S. O., 1887, c. 170, s. 34 (14).

Officers of company not to be directors.

(12) Subject to clause 48 of this Act, no person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter, an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the

benefit of the funds of the company, for the whole amount of profit accruing to such director, *provisional director or promoter* from the contract so made or fulfilled. C. S. C., c. 66, s. 46, *part.*

By-laws for management of stock, etc.

(13) Subject to the provisions of this Act, the directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties and salaries. R. S. O., 1887, c. 170, s. 34 (16).

May appoint officers.

(14) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. Unreasonably large salaries shall not be paid. R. S. O., 1887, c. 170, s. 34 (17), s. 68.

Remuneration of directors.

(15) The directors may be paid such reasonable remuneration for their services for their year of office as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. (*New.*)

Vice-president to act in the absence of the president.

(16) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president. R. S. O., 1887, c. 170, s. 34 (18).

Absence of president may be entered in the minutes, and certified, etc.

(17) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of $1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise. R. S. O., 1887, c. 170, s. 34 (19).

Directors to cause annual accounts to be kept.

(18) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or

of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued and the amount actually received in cash for same, and the amount, if any, still unpaid thereon, and the amount of dividends paid or declared during such year, and the amount on the last day of such year at the credit of the surplus tolls account. This statement shall be filed on or before the last day of *January* in each year, and in default thereof the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to said municipality. R. S. O., 1887, c. 170, s. 34 (20).

CALLS.

Calls.

56.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call.

Notice of meetings, how published.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices.

Payment of calls how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him in cash to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the

holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Certificate of proprietorship *prima facie* evidence.

(7) The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(9) Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(10) No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. R. S. O., 1887, c. 170, s. 35 (1)-(11).

Directors may sell forfeited shares by auction.

(12) The directors may sell such forfeited shares as hereinbefore prescribed. (*New.*)

Certificate of treasurer to be evidence of forfeiture and of title.

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

Interest may be allowed to shareholders paying money in advance on their shares.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest at the legal rate of interest for the time being; but such interest shall not be paid out of the capital subscribed. R. S. O., c. 170, s. 35 (13), (14).

DIVIDENDS.

Declaration of dividend.

57.—(1) At the annual general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise. R. S. O., c. 170, s. 36 (1).

Division of profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. (*New.*)

Dividends, how payable.

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. or $8 on every $100 actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company. (*New*)

Dividends not to impair the capital.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. R. S. O., 1887, c. 170, s. 36 (3).

Application of annual revenue.

(5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise. (*New.*)

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

58.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. R. S. O., c. 170, s. 37.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:— Form of sale.

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, hereby do sell and transfer to him share (*or* shares) of the stock of the , to hold to him the said *C. D.*, his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. And I the said *C. D.* do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Witness our hands this day of in the year 18 .

R. S. O., c. 170 s. 37 (2).

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid. R. S. O., c. 170, s. 37 (3). Shares to be personal estate —transfer of.

(4) If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof. R. S. O., c. 170, s. 37 (4). Transmission of shares other than by transfer, provided for.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts, and the company shall not be bound to see to the application of the money paid upon such receipts. R. S. O., c. 170, s. 37 (5). Company not bound to see to execution of trusts.

(6) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. R. S. O., 1887, Company not to take stock in other companies.

SHAREHOLDERS.

Shareholders individually liable till shares paid up.

59.—(1) Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. R. S. O., c. 170, s. 38.

Account of names and residence of shareholders to be kept.

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being. R. S. O., 1887.

Rights of aliens.

60. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

MUNICIPALITIES TAKING STOCK.

Municipal corporations may take stock.

61.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend any sum of money to the company, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than $20, and bearing or not bearing interest, as such municipal corporation thinks meet. R. S. O., c. 170, s 39.

Debentures issued by them to be binding.

(2) Any such debenture issued, endorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or endorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law. R. S. O., 1887.

Not to subscribe for stock unless by-laws are made for that purpose.

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a by-law to that effect has been duly assented to and passed in accordance with and subject to the provisions of s. 634 of *The Consolidated Municipal Act of 1892*, or of the provisions of *The Municipal Act* from time to time in force regulating this matter.

Rev. Stat. c. 174.

(4) The mayor, warden or reeve, or other chief officer of such municipal corporation subscribing for and holding stock in the company to the amount of *$20,000*, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company. R. S. O., 1887. Mayor, etc., to be *ex officio* a director in certain cases.

AID TO THE RAILWAY.

62. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. 57 V., c. 88, s. 35 Aid to railway.

63. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 57 V., c. 88, s. 36. Gifts of lands.

64. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with, and subject to the provisions relating to granting aid by way of bonuses to railways contained in *The Consolidated Municipal Act of 1892* or other law in force at the time of the application to the council for such aid. 57 V., c. 88, s. 37. Aid from municipalities.

65. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely (57 V., c. 88, s. 38):— Submitting bonus by-law

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V. c. 42. s. 308.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as afore said.

55 V. c. 24. s. 308.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

66. Such by-law shall in each instance provide

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

67. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of

a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

68. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. 57 V. c. 88, s. 41.

Deposit to be made before by-law submitted.

69. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law. 57 V. c. 88, s. 42.

Council to pass by-law if assented to by ratepayers.

70. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 57 V. c. 88, s. 42.

Issue of debentures.

71. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other head or other officers thereof within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. 57 V. c. 88, s. 44.

Levying rates on portion of municipality.

72. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. 57 V. c. 88, s. 45.

Application of provisions of 55 V. c. 42.

73. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 57 V. c. 88, s. 46.

Councils may extend time for commencement.

74. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 57 V. c. 88, s. 47.

Councils may extend time for completion.

75. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time. 57 V. c. 88, s. 48.

Extent of aid from municipalities.

76. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. 57 V. c. 88, s. 48.

By-laws granting exemption from taxation.

77. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. 57 V. c. 88, s. 49.

Issues of debentures.

78. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment

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of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and new trustees appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council 57 V. c. 88, s. 20.

Trusts of proceeds of debentures.

79. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 57 V. c. 88, s. 21.

Fees to trustees.

80. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. 57 V. c. 88, s. 22.

BY-LAWS—NOTICES, ETC.

By-laws to be put into writing and signed by chairman.

81.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of

the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof. R. S. O. 1887.

Copies of minutes to be *prima facie* evidence.

(2) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all courts of civil jurisdiction.

Notices by secretary valid.

(3) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. R. S. O. 1887, c. 170, s. 40.

WORKING OF THE RAILWAY.

Best appliances for communication and for stopping trains to be used.

82.—(1) Every railway company, which runs cars, carriages, or other vehicles upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such cars, carriages or other vehicles adapted to the same such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the motormen of such cars, carriages or other vehicles while the same are in motion—and good and sufficient means of applying, at the will of the motorman or other person appointed to such duty, the brakes to the wheels of the motors, cars, carriages or other vehicles, and of disconnecting the motors, cars, carriages or other vehicles from each other—and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages—and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the Commissioner of Public Works orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person. S. C. c. 29, s. 243.

Penalty for non-compliance.

Liability for damages.

Servants to wear badges.

(2) Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from

any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property. R. S. O., c. 170, s. 41 (1).

Trains to start at regular hours.

(3) The cars, *carriages* or trains shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the *cars, carriages or* trains. R. S. O., c. 170, s. 41 (2).

Passengers and goods to be carried on payment of fare or freight.

(4) Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. R. S. O., c. 170, s. 41 (3).

The company liable for neglect or refusal.

(5) The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any agreement, notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants. R. S. O., c. 170, s. 41 (4).

Checks to be fixed on parcels.

(6) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. R. S. O., c. 170, s. 41 (5).

Penalty for refusing to give checks.

(7) If such check is refused on demand, the company shall pay to such passenger the sum of $8, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the *car, carriage or* train. R. S. O., c. 170, s. 41 (6).

Locomotives to have bells or steam whistles.

(8) Every car shall be furnished with a gong of at least ten inches in diameter. R. S. O., c. 170, s. 41 (8).

To be rung or sounded at every crossing etc.

(9) The gong shall be sounded at the distance at least of eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the car has crossed such highway, under a penalty of $8 for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the motorman having charge of such car and neglecting to sound the gong as aforesaid. R. S. O., c. 170, s. 41 (9).

Passenger refusing to pay fare may be put out.

(10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. R. S. O., c. 170, s. 41 (10).

As to goods of a dangerous nature.

(11) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of $20 for every such offence. R. S. O., c. 170, s. 41 (12).

Dangerous goods may be refused.

(12) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. R. S. O., c. 170, s. 41 (13).

RAILWAY CROSSINGS.

Crossing lines of electric or street railways.

83.—(1) The company may cross the lines of any electric railway company, or of any company to which this Act applies, or of any street railway company;

(a) Either by the authority of the Commissioner of Public Works, and upon such terms and conditions as the said commissioner shall think just and desirable;

(b) Or by the permission of the municipal council of the municipality or municipalities where the crossing is situate, conferred by a by-law passed for that purpose, and subject to the terms and conditions imposed by the said by-law;

Provided always that the company which seeks to cross shall pay all necessary costs and expenses incurred in altering the rails and otherwise making and completing the crossing.

Crossing lines of railway companies.

(2) In case the company desires to cross the line of a railway company within the legislative authority of this Province, not being a railway company to which the Act applies, nor a street railway company, and such railway company objects, the company shall first obtain the sanction of the Commissioner of Public Works as to the proposed crossing and as to the mode of construction thereof, which said sanction the said commissioner is hereby empowered to give, and thereupon the company shall have the right to cross the other railway upon the terms and in the mode sanctioned by the said commissioner; provided always that the said commissioner before giving his sanction as aforesaid shall give to the railway company objecting an opportunity to be heard, and shall have full power to impose such terms as to cost of maintenance of the said crossing, and as to all other matters in connection therewith as he shall deem proper; provided, however, that the company desiring to cross shall always pay the whole of the cost and expenses of making the proposed crossing, which shall be so sanctioned as aforesaid. (*New.*)

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

84. All suits for indemnity for any damage or injury sustained by reason of *the construction or operation* the railway, shall be instituted within twelve months next after the time of such supposed damage sustained, or if there be continuation of damage, then within twelve months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act. R. S. O., c. 170, s. 42 (1).

Fines how recovered.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices. R. S. O., c. 170, c. 42 (2).

How applicable.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. R. S. O., c. 170, s. 42 (3).

When party may be committed.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. R. S. O., c. 170, s. 42 (4).

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

85. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture by this Act and the special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. R. S. O., c. 170, s. 43.

GENERAL PROVISIONS.

Provision as to the carriage of Her Majesty's mail, etc.

86.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and

others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council, as the case requires. R. S. O., c. 170, s. 44 (1).

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. R. S. O., c. 170, s. 44 (2).

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act. R. S. O., c. 170, s 44 (3).

Tenders must be advertised for.

(4) No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender. R. S. O., c. 170, s. 44 (4).

Ten per cent. to be paid within three years from passing of Special Act.

(5) If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within *three* years after the passing of the special Act, or if the railway is not finished and put in operation in *five* years from the passing of such special Act, the corporate existence and powers of the company as to any part of the railway then uncompleted shall cease. R. S. O., c. 170, s. 44 (5).

Account to be transmitted to the Provincial Secretary.

(6) After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. R. S. O., c. 170, s. 44 (6).

(7) No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company. R. S O., c. 170, s. 44 (7). Variation in form or details may be made.

(8) The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred. R. S. O., c. 170, s. 44 (8). And may dissolve any Corporation formed under this Act.

(9) Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. R. S. O., c. 170, s. 44 (9). Saving of Her Majesty's rights, etc.

(10) No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act with which this Act is or may be incorporated. R. S. O., c. 170, s. 44 (10). Amending or altering Act.

87.—(1) It shall not be lawful for any company to which this Act applies to operate its railway on the Lord's Day. Running railway on Lord's Day.

(2) Provided that any company operating a railway extending from any city for a distance of more than one and a half miles, may run one car or train out of such city and one car or train into such city on the Lord's Day for the transportation of milk, but no freight of any other kind and no passengers shall be carried upon such car or train, nor shall it be lawful for the company to collect any fare or tolls for the transportation of any passengers, upon the Lord's Day nor for the transportation of any freight except for the transportation of milk as aforesaid.

88. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in which the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in which residents of the municipality are interested, and in particular those relating to tolls, to capital, to president and directors, to dividends, and to the agreements mentioned in sections 13, 14 and 15 of this Act. (*New.*) Powers of High Court as to controlling companies relieving against agreement.

Conveyances of land to company.

89. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. 57 V., c. 88, s. 30.

INSPECTION OF RAILWAYS TO WHICH THIS ACT, IN WHOLE OR IN PART, APPLIES.

Railway Inspectors.

Duties of.

90. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, under the authority of this Act, and every person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. R. S. O., c. 170, s. 51.

Railway not to be open till after one month's notice of intention to open the same.

91. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. R. S. O., c. 170, s. 52.

Penalty for contravention.

92. If any railway or portion of a railway be opened without such notices, the company to whom such railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open, until the said notices have been duly given and have expired. R. S. O., c. 170, s. 53.

Commissioner of Public Works, upon report of Inspectors and approval of Lieutenant-

93. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the

insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. R. S. O., c. 170, s. 54.

Governor in Council, may order postponement of opening of road.

94. If any such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open contrary to such order or direction. R. S. O., c. 170, s. 55.

Penalty for opening contrary to the order of the Commissioner.

95. No such order shall be binding upon any railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. R. S. O., c. 170, s. 56.

When only such order to be binding on the Company.

96. When any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of a railway constructed or in course of construction, or a motor, car or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the said Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the motor, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. R. S. O., c. 170, s. 57.

When any railway bridge condemned by Commissioner and Inspectors, what to be done

97. If, in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular motor, car or carriage should be run or used, the said Inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such motor, car or carriage, by delivering or causing to be delivered to the president, manag-

When Inspectors may forbid the running of trains, etc.

ing director, or secretary or superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. R. S. O., c. 170, s. 58.

Commissioner may modify report of Inspectors.

98. The said Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. R. S. O., c. 170, s. 59.

When the Commissioner may regulate speed, etc.

99. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times or rate of speed of running, of motors, cars or trains upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with any such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of $2000. R. S. O., c. 170, s. 60.

Penalty for non-compliance.

Companies to afford information to the Inspectors.

100. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by any such Inspector, and submit to such Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part. R. S. O., c. 170, s. 61.

Inspectors may use telegraph wires; for what purposes.

101. The Inspector shall have the right to use the telegraph or telephone wires and machinery in the offices of or under the control of any such railway company, for the purpose of communicating with any of the officers of the company, or transmitting any order of any such Inspector relating to the railway. R. S. O., c. 170, s. 62.

Operators and others to obey orders of Inspectors.

102. The operators or officers employed in the telegraph or telephone offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of $40. R. S. O., c. 170, s. 63.

103. The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works. R. S. O., c. 170, s. 64. Authority of Inspectors, how proved.

104. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of $200; and it shall not be lawful for a railway company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed, without the consent of the Lieutenant-Governor in Council previously had and obtained. R. S. O., c. 170, s. 65. Lieutenant-Governor may order permanent bridges to be substituted for movable bridges.

105. In any case where a railway is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing. R. S. O., c. 170, s. 66. Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

106.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, reeve or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his Railway may be required to repair any level crossing out of repair. Inspector's certificate to be conclusive.

hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same: and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any Court of competent jurisdiction, as money paid to the company's use. R. S. O., c 170, s. 67.

Proviso.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Inspection not to relieve Company from liability.

107. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve the company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of such company under the existing laws of the Province. R. S. O., c. 170, s. 68.

Company to notify orders of Commissioner to its officers, etc.

108. The company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 127 of this Act. R. S. O., c. 170, s. 69.

What to be deemed sufficient notice thereof.

109. All orders of the said Commissioner shall be considered as made known to the company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company. R. S. O., c. 170, s. 70.

Notice of accidents to be given to the Commissioner of Public Works.

110. The company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or whereby a bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and the company which wilfully

omits to give such notice, shall forfeit to Her Majesty the sum of $200 for every day during which the omission to give the same continues. R. S. O., c. 170, s. 71.

Return of accidents to be made semi-annually.

111. The company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. R. S. O., c. 170, s. 72.

Form to be appointed by the Commissioner.

112. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct the railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to the company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. R. S. O., c. 170, s. 73.

Penalty for neglect.

113. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of $100 for every day during which the company neglects to deliver the same. R. S. O., c. 170, s. 74.

Such returns to be privileged communications.

114. All such returns shall be privileged communications and shall not be evidence in any Court whatsoever. R. S. O., c. 170, s. 75.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

115. The company shall, so soon as any portion of its railway thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding $10 per mile of railway constructed and in

use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Electric Railway Inspection Fund." R. S. O., c. 170, s. 76.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway, and how.

116. The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Oath of office.

"I, *A. B.*, having been appointed a Constable to act upon and along "(*here name the Railway*), under the provisions of *The Electric Railway Act*, "*1895*, do swear that I will well and truly serve our Sovereign Lady "the Queen, in the said office of Constable, without favour or affection, "malice or ill-will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of my skill "and knowledge, discharge the duties thereof faithfully, according to law: "So help me God."

By whom to be administered.

(2) Such oath or declaration shall be administered by any one such Justice. R. S. O. c. 170, s. 81.

Powers of such constables, and to what localities they shall extend.

117. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. R. S. O. c. 170, s. 82.

Duties of such constables.

118. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any

offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. R. S. O. c. 170, s. 83.

Dismissal of any such constable.

119. Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of the railway company, or any clerk or agent of the company thereto authorized by the board, may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protections and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed. R. S. O. c. 170, s. 84.

Record of appointment of such constable to be kept.

Fees.

120. Every such railway company shall cause to be recorded, in the office of the clerk of the peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same within one week after the date of such appointment or dismissal, as the case may be; and every such clerk of the peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes. R. S. O. c. 170, s. 85.

Punishment of constables guilty of neglect of duty.

121. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than $80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. R. S. O. c. 170, s 86.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, etc.

122. The company shall make such by-laws, rules and regulations, to be observed by the conductors, motor men, and other officers and servants of the company, and by all other companies and persons using the railway of the company,

and such regulations with regard to the construction of the motor cars, or carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this part of the Act and the orders and regulations of the Lieutenant-Governor in Council. R. S. O. c. 179, s. 87.

Company may impose penalties for contravention of by-laws.

123. The company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. R. S. O. c. 170, s. 88.

How notice of by-laws or orders may be proved.

124. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. R. S. O. s. 179, s. 89.

When such proof, etc., to be a defence for the Company.

125. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. R. S. O. c. 170, s. 90.

Company not to impede navigation.

126. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried. R. S. O. c. 170, s. 91.

Railways crossing rivers, etc., regulated.

127. If the railway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council from time to time may determine. R. S. O. c. 170, s. 92.

Plans to be submitted to the Lieutenant-Governor in Council.

128. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved ; and no deviation from such approved site and plan shall be made without his consent. R. S. O. c. 170, s. 93.

Exception where special powers given by the Special Act.

129. Nothing contained in the three last preceding sections, shall be construed to limit or affect any power expressly given to the company by its special Act of incorporation or any special Act amending the same. R.S. O. c. 170, s. 94.

When a railway passes over a swing bridge, etc., train to stop for three minutes.

130. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage or train shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said railway company shall be subject to a fine or penalty of four hundred dollars. R. S. O. c. 170, s. 95.

Further precautions at level crossings.

131. Every railway company shall station an officer at every point on their line crossed on a level by any other railway, and no motor, car or carriage shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R. S. O. c. 170, s. 98.

Further precautions when one railway crosses another on a level;

132. Every motor, car or carriage on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of three minutes. R. S. O. c. 170, s. 99.

Or runs through a city, town, etc.

133. No motor, car or carriage shall pass in or through a thickly peopled portion of a city, town or village at a speed greater than ten miles per hour, unless the track is properly fenced. R. S. O. c. 170, s. 100.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

134. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. R. S. O. c. 170, s. 102.

The company may pay penalty and deduct from wages.

135. The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. C. S. C. c. 66, s. 161.

How penalties recovered and applied.

136. All penalties incurred under any of the sections of this Act may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any court having competent jurisdiction thereover; and shall, unless otherwise herein expressly provided, be paid to the treasurer of the province to the credit of "The Railway Inspection Fund." C. S. C. c. 66, s. 193.

SCHEDULE A.

(*Section 30.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Electric Railway Company their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered,
In the presence of,

[L.S.]

SCHEDULE B.

(*Section 21.*)

CHIEF ENGINEER'S CERTIFICATE. THE ELECTRIC RAILWAY COMPANY'S OFFICE.

No. A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on the Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of the Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Electric Railways.

First Reading, 26th March, 1895.

(*Reprinted with suggested amendments for Committee of the Whole House.*)

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 153.] **BILL.** [1895.

An Act respecting Electric Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Electric Railway Act, 1895.* Short title.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation of words.

(1) "The special Act" shall be construed to mean any Act authorizing the construction of an electric or other railway, and with which this Act wholly or in part is incorporated by the provisions of this Act or by the express terms of such special Act. "The special Act."

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; "Prescribed."

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof; "The lands."

(4) "The undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. R. S. O. 1887, chap. 170, sec. 2. "The undertaking."

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation of words in this Act and in special Acts.

(1) "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure; "Lands."

(2) "Lease" shall include any agreement for a lease; "Lease."

(3) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway; "Toll."

"Goods." (4) "Goods" shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith.

"County." (5) "County" shall include any union of counties, county or riding; "district and county court judge" shall include a judge of a district court;

"Highways." (6) "Highways" shall mean all public roads, streets, lanes and other public ways and communications;

"Sheriff." (7) "Sheriff" shall include under sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "clerk of the peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any part of such lands are situate;

"Clerk of the peace."

"Justice." (8) "Justice" shall mean justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city or place, the word "justice" shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter;

"Owner." (9) "Owner," (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The company." (10) "The company" shall mean the company or party authorized by the special Act to construct the railway;

"The railway." (11) "The railway" shall mean the railway and works by the special Act authorized to be constructed;

"Shareholder." (12) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1887, chap. 170, sec. 3.

"Working expenses." (13) The expression "working expenses" shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the

rolling and other stock and moveable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, or for hire of power or rolling stock, also all usual expenses of or incidental to the working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses. Also all moneys owing by the company for any of the above items of expenses. Also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness. (*New.*)

"First issue of stock."

(14) The "first issue of stock shall mean all stock subscribed for and allotted prior to the first meeting of shareholders of the company for organization and election of directors, and upon which at least ten per cent. has been paid in. (*New.*)

APPLICATION OF ACT.

Application of Act to electric railways hereafter incorporated.

4.—(1) This Act shall apply, unless otherwise expressed in the special Act, to every electric railway subject to the legislative authority of this Province, authorized to be constructed by any special Act passed at the present session of the Legislature, or passed after this Act takes effect, and shall also apply to every railway to which this Act is expressly made applicable by any special Act, and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, except in so far as they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall as well as the clauses and provisions of every other Act expressly incorporated with such special Act, form part of such special Act and be construed together therewith as forming one Act. R. S. O., chap. 170, sec. 4.

Electric railways incorporated at present session of Legislature.

(2) Notwithstanding anything contained in *The Street Railway Act* or in any other Act of the Legislature of Ontario, the railway of every company incorporated at the present session of the Legislature, or hereafter incorporated for the purpose of constructing and operating a railway to be operated by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways constructed by it.

Railway which may be operated by steam or electricity.

(3) The railway of every company incorporated at the present session of the Legislature or hereafter incorporated for the purpose of constructing and operating a railway with power to operate the same by steam or electricity, or partly by steam and partly by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions

of this Act shall apply to every such company and to the railway or railways to be constructed by it.

☞(4) Whenever any railway company shall be by any special Act passed at the present session of the Legislature, or hereafter passed, authorized to extend its railway and to operate such extension by electricity, the provisions of this Act shall, so far as the same are applicable, apply and extend to the construction and operation of every such extension.☜

☞(5) Any company hereafter incorporated under the provisions of *The Street Railway Act* which extends its line of railway beyond a distance of one and a half miles from any city or town from which the same runs shall come within the provisions of this Act, provided the railway is intended to be operated by electricity.☜

Proviso.

(6) Provided, that this Act shall not apply to or include an electric railway *wholly* constructed and operated within the limits of any city or town nor to any extension of such railway beyond such limits for a distance not exceeding one *and one-half miles.*

Rev. Stat. cc. 170, 171 not to apply unless named in special Act.

(7) No part of *The Railway Act of Ontario,* or the *Street Railway Act* shall apply to any electric railway company or other railway company, to which this Act shall wholly or in part apply, except in so far as they are expressly made applicable by the special Act. (*New.*)

What shall be sufficient in making an incorporation of this Act with special Acts.

5. The special Act shall be a public Act, and for the purpose of expressly incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates. R. S. O., c. 170, s. 5.

Power to construct railway, etc., to be exercised subject to provisions of this Act.

6. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O., c. 170, s. 6.

Compensation to be made for lands damaged.

7.—(1) For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway, in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in any lands so taken or injuriously affected. R. S. O., c. 170, s. 7.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. R. S. O., c. 170, s. 7, ss. 2. How compensation to be determined.

INCORPORATION.

8. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporation, or are expressed or included in *The Interpretation Act*. R. S. O., c. 170, s. 8. Companies established under special Acts, declared to be bodies corporate, etc. Rev. Stat. c. 1, s. 8 (25).

POWERS.

9. The company shall have power and authority— Powers:

(1) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only. R. S. O., c. 170, s. 9. To receive grants of land etc.;

(2) To purchase and hold and, when authorized in the manner hereinafter mentioned in this Act, to take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same. R. S. O., c. 170, s. 9, ss. 2. Purchase land;

(3) To *survey, lay out*, construct, make, complete, alter and keep in repair an iron or steel railway to be operated by electricity or by any other motive power authorized by the special Act, with double or single iron or steel tracks, and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to *the* restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same. 57 V. c. 88, s. 2. Construct railways. 55 V. c. 42.

(4) The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

Warehouses, docks, etc.

(5) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways. 57 V. c. 88, s. 52, part.

Erect necessary buildings, wharves, etc.

(6) To erect and maintain all necessary and convenient buildings, stations, depots, *wharves* and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway. R. S. O., c. 170, s. 9, ss. 7.

Powers as to production and use of electricity.

(7) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell electricity not required for railway.

(8) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.. 57 V. c. 88, s. 17.

Rev. Stat., c. 165.

Acquiring rights for conveying electricity.

(9) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners *of the land* affected, and between the company and any municipality in which such works or any part thereof *or of the railway* may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, *or*

as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon *the* company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park or any land vested in the commissioners thereof without the consent of the commissioners and the approval of the Lieutenant-Governor in Council. 57 V. c. 88, s. 3.

All other matters and things necessary for railway.

(9) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act. R. S. O., c. 170, s. 9, ss. 9.

Convey persons and goods on railway.

(10) To take, transport, carry and convey persons and goods on the railway, and to regulate the time and manner in which the same shall be transported. R. S. O., c. 170, s. 9 (10), *part.*

Power to acquire lands for parks, etc.

(11) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds;

Proviso.

Provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section;

Proviso.

Provided that such park or pleasure grounds shall not be open to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments;

Proviso.

Provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres;

Proviso.

Provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company. 57 V. c. 88, s. 15 *part.* 55 V. c. 99, s. 21 *part.*

Power to purchase whole lots.

10. Whenever the company in procuring sufficient lands, for stations or gravel pits, or for constructing, maintaining and using the railway, can purchase the whole of any lot or parcel of land at a more reasonable price, or to greater advantage than it can purchase the part actually required for the purposes of the railway, the company may purchase, hold, use and enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from its railway, and may sell and convey the same or any part thereof from time to time as *it* may deem expedient 51 V. c. 29, s. 115, Dom.

Acquiring material for construction.

11.—(1) When stone, gravel, earth or sand is required for the construction or maintenance of the railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required. 57 V. c. 88, s. 33 *part.*

Transmission of plan and application.

(2) The company may transmit such plan and description to the Commissioner of Public Works with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and stating *either* that the company desires to acquire the fee simple in the said land from which said materials shall be taken or the right to take materials therefrom for the time mentioned therein and requesting the Commissioner of Public Works to authorize the taking thereof for such purposes under this Act. 51 V. c. 29, s. 107 *part*, Dom.

Notice to owner, etc.

(3) At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the Commissioner of Public Works in duplicate. 51 V., c. 29, s. 108, Dom. *part.*

Certificate of Minister required.

(4) The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of such application, and, if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan or any less quantity or the right to take materials therefrom as the case may be, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the department. 51 V. c. 29, s. 109, Dom.

(5) Upon the granting of such certificate, and by virtue thereof, the company may acquire without the consent of the owners, the land shown on the said plan or the right to take materials therefrom as the case may be, as required for such purposes; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land or right all the powers granted in such case by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the compulsory taking of land by the company and its valuation and the compensation therefor shall apply and are hereby extended to the land or right mentioned in the said certificate of the Commissioner of Public Works. 51 V. c. 29, s. 111 *part*, Dom.

Effect of certificate.

Powers of the company in such cases.

(6) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 10 of section 35 of this Act shall not apply.

Application of sub-s. 10 of s. 35 limited.

12.—(1) When the said gravel, earth, stone or sand in the preceding section mentioned shall be situate at a distance from the line of railway and the company cannot agree with the owners of the intervening lands for a siding or right of way from the railway to the said lands, then the company may obtain power to acquire compulsorily such siding or right of way upon taking like proceedings and upon similar terms to those mentioned in the preceding clause of this Act. 57 V. c. 88, s. 34 (1) part.

Sidings to gravel pits.

(2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purposes than the purpose of constructing and maintaining the said railway. (*New*).

13. The directors of the company shall have power to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company on such terms as to compensation and otherwise as may be agreed upon. 57 V. c. 88, s. 23.

Agreements with other companies for leasing or hiring rolling stock.

Agreement with electric light companies.

14. The company shall have power to enter into an agreement or agreements with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to construct, carry on and operate the railway. 57 V. c. 88, s. 24.

Confirmation of agreement by shareholders.

15. The prices to be paid by the company under and by virtue of any such agreement as in the last two sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. (*New.*)

Telegraph and telephone lines.

16. The company may also construct an electric telegraph line and a telephone line in connection with its railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, is hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. 57 V. c. 88, c. 25.

Proviso.

Contracts for construction and equipment.

17. The company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the *railway* or any part thereof, including or excluding the purchase of right of way; provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders especially called for the purpose of considering the agreement or agreements. *New*, also 57 V. c. 88, c. 54 part.

18.—(1) In case the council of a municipality shall, by resolution, declare that the council is of opinion that a company incorporated with power to construct an electric railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality [and if the judge of the county court of the county certifies that in his opinion] the building of the proposed electric railway between the said points will be of considerable public advantage or convenience, the company, upon registering the resolution [and certificate] in the proper registry office, shall, in respect of lands lying between the points named and described in the said resolution and certificate, possess powers of expropriation to be exercised subject to the provisions of this Act. Provided however that when the council refuses or neglects to pass such resolution, the Commissioner of Public Works, if the judge of the county court certifies as aforesaid, may by his order confer upon the company the powers of expropriation within the particular municipality. But the council shall be entitled to at least one week's notice of the hearing of the application by the commissioner. R. S. O., c. 171, s. 16. Permission from municipal councils to expropriate lands.

(2) Such powers shall be exercised within the time limited for the completion of the railway and within two years from the passing of the resolution, and not afterwards. R. S. O., c. 171, s. 16 (2). (*New.*)

(3) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara and for a width inland of one mile from any part or point of the said River Niagara. R. S. O., c. 171, s. 16 (4).

(4) Except as provided by sections 11 and 12 of this Act the company shall possess no power of expropriation except under and in pursuance of the provisions of this clause, and any such power when obtained by it hereunder shall be exercised in the manner and subject to the conditions, restrictions, limitations and provisions contained in this clause or in the other clauses of this Act. (*New.*)

19. The by-laws mentioned in section 9, sub-sections 3 and 8, and the resolution mentioned in section 18, are subject to the conditions and provisions of section 546 of *The Consolidated Municipal Act 1892.* Application of 55 V. c. 42, s. 546.

BORROWING POWERS.

20. The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Power to issue bonds, debentures, and other securities and to raise money thereon.

company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed $10,000 for each mile of the railway. 53 V. c. 45, *part.*

(*a*) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be issued until twenty per centum of the authorized capital has been actually expended on the work.

(*d*) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed. 51 V. c. 29, s. 93, Dom.

Mortgages securing bonds, etc.

21. The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act, and next to the payment of the working expenses of the railway as in this Act defined other than the sinking fund and the interest on mortgage or debenture indebtedness.

(*a*) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*. 51 V. c. 29, s. 94, Dom.

Bonds, etc., how ranked.

22. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding section:

(*a*) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed. 51 V. c. 29, s. 95, Dom.

Rights of holders of bonds, etc., upon default in payment.

23. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this section shall not be exercised by any such holder unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his

name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfer of shares.

(*b*) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed. 51 V. c. 29, s. 96, Dom.

Bonds, etc., mode of transfer of.

24. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares. 51 V. c. 29, s. 97, Dom.

Registration of instruments elsewhere than in office of Provincial Secretary not required.

25. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid.

Negotiable instruments.

26. The company may become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, *drawn*, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company or other officer authorized by the by-laws of the company, shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or other officer so authorized be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without *proper* authority; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. S. C., 51 V. c. 29, s. 98.

PLANS AND SURVEYS.

27. When the company has power and desires to expropriate lands, plans and surveys shall be made and corrected as follows:— Provision respecting surveys and levels.

1. Surveys shall be taken and made of the lands intended to be expropriated through which the railway is to pass, together with a map or plan of said lands and of its course and direction through the same, and also a statement showing:— Book of reference.

(*a*) A general description of the said lands;

(*b*) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(*c*) Everything necessary for the right understanding of such map or plan. R. S. O., c 170, s. 10, ss. 1.

2. The map or plan and statement shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the clerks of the peace in the districts or counties in which the said lands are situate, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said company; R. S. O., c. 170, s. 10, ss. 2. By whom certified.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words so extracted or copied. R. S. O., c. 170, s. 10, ss. 3. Copies.

4. The triplicates of such map or plan and statement so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere. R. S. O., c. 170, s. 10, ss. 4. Evidence.

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or statement, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly. R. S. O., c. 170, s. 10, ss. 5. Omissions how remedied.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or statement shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate. R. S. O., c. 170, s. 10, ss. 6. Contents of certificate.

Railway not to be proceeded with until map, etc., deposited.

7. Until such original *or corrected* map or plan and statement have been so deposited, the execution of the part of the railway, affected thereby, shall not be proceeded with. R. S. O., c. 170, s. 10, ss. 8.

Clerks of the peace to receive copies of original plan, etc.

8. The clerks of the peace shall receive and retain the copies of the original *and corrected* plans and surveys, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars. R S. O., c. 170, s. 10, ss. 9.

Copies certified by clerk to be good evidence in courts.

9. The copies of the maps, plans and statement, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required. R. S. O., c. 170, s. 10, ss. 10.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

28. The lands which may be taken without the consent of the proprietor thereof shall not exceed one chain in breadth. R. S. O., c. 170, s. 11.

Corporation, etc., may convey lands.

29.—(1) All corporations and persons whatever, tenants in tail or for life *guardians*, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof. R. S. O., c. 170, s. 13, ss. 1.

Limitation of powers in certain cases.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company. R. S. O., c. 170, s. 13, ss. 2.

Effect of sale under preceding section.

30. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act. R. S. O., c. 170, s. 14.

Disposition of purchase money.

31. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided. R.S.O., c. 170, s. 15.

Effect of contracts made before deposit of map.

32. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and statement, and before the setting out and ascertaining of the lands required for the railway, shall, if duly registered in the proper registry office, be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, after such registration, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. R. S. O., c. 170, s. 16.

As to tenants in common, etc.

33. Wherever more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such lands, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. R. S. O., c. 170, s. 18.

After one month's notice of deposit of map, etc., application to the owner of lands.

34.—(1) After one month from the deposit of the map or plan and statement, and from notice thereof in at least one newspaper, if there is any, published in the districts and counties in which the lands intended to be expropriated lie, application may be made to the owners of such lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then if the company possesses powers of expropriation in respect of the particular lands required all questions which arise between the company and the owners of such lands shall be settled as in the next section mentioned. R. S. O., c. 170, s. 19, ss. 1.

Deposit, etc., to be general notice.

(2) The deposit of a map or plan and statement, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required to be expropriated for the said railway and works. R. S. O., c. 170, s. 19, ss. 2.

Notice to opposite party.

35. If the company possesses powers to expropriate the lands in question then the following proceedings shall thereupon be taken in order to expropriate the same. A notice shall be served upon the party which shall contain:

(*a*) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them).

(*b*) A declaration of readiness to pay some certain sum as compensation for such lands or for such damages; and

(*c*) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice:—

(1) That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the railway.

(2) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(3) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid. R. S. O., c. 170, s. 20.

If the party is absent or unknown.

(2) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county. R. S. O., c. 170, s. 20, ss. 3.

Provision when the county judge is interested in lands required for any railway.

(3) Wherever any judge of a county court is interested in lands taken or required within the county in which he is such judge, by any company, for railway purposes, a judge of the High Court shall, on application of such company, exercise in such case all the powers given to a judge of a county court by the provisions of this section in cases in which he, such judge of a county court, is not interested. 23 V. c. 29, s. 10; 24 V. c. 17, s. 3.

(4) If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid. R. S. O., c. 170, s. 20, ss. 5. Party not accepting the company's offer, and not appointing an arbitrator.

(5) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator. R. S. O., c. 170, s. 20, ss 6. Appointment of arbitrator by opposite party. Third arbitrator.

(6) If lands have been entered *on* and taken by the company with or without the license of the persons in possession thereof and without any agreement as to the compensation to be paid therefor, or if the lands though not taken are injuriously affected by *or through the construction* of the railway, then any owner or person interested in such lands shall have power to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages *claimed* by *him*, and thereupon like proceedings shall be taken to ascertain such compensation as is prescribed in cases where the company commences proceedings (*New.*) Party other than company commencing proceedings to determine compensation.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required. R. S. O., c. 170, s. 20, ss. 7; 38 V. c. 15, s. 4. Duties of arbitrators.

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land as well as the total amount to be paid to compensate the owners or for damages R. S. O., c. 171, s. 16 (3). Stating amount found payable in award.

Costs how paid.

(9) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid. R. S. O., c. 170, s. 20, ss. 8.

Arbitrators to consider increased value of remaining lands.

(10) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid. R. S. O., c. 170, s. 20, ss. 9.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation. R. S. O., c. 170, s. 20, ss. 10.

Parties to arbitrations under this Act may obtain subpœnas.

(12) Any party to an arbitration under this Act, may, without leave or order, obtain and issue out of any one of the high courts, upon *præcipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued out of such court in a civil case. R. S. O., c. 170, s. 20, ss. 11.

Disobedience thereto to be contempt of court.

Fees and conduct money.

(13) The same fees shall be payable for such subpœnas as in the case of subpœnas issued out of the High Court in civil cases, and the witnesses shall be entitled to the like conduct money. R. S. O., c. 170, s. 20, ss. 12.

Depositions to be in writing and filed with clerk of records and writs, with exhibits, etc.

(14) The arbitrators shall take down the depositions of witnesses in writing, and after the making of their award, when requested in writing by any of the parties, shall forthwith deliver, or transmit, by registered letter, said depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the clerk of records and writs of the chancery division of the High Court, with appropriate stamps, to be filed by such clerk with the records of the court. R. S. O., c. 170, s. 20, ss. 13.

Time within which award must be made.

(15) The judge by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not

made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them. R. S. O., c. 170, s. 20, ss. 14.

Arbitrator dying, etc.

(16) If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge, upon the application of either party, such judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. R. S. O., c. 170, s. 20, ss. 15.

Company may desist upon paying costs.

(17) Prior to the making of the award any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. Provided, however, that the right of desisting shall not be exercised more than once. R. S. O., c. 170, s. 20, ss. 16.

Arbitrators not disqualified unless personally interested.

(18) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge. R. S. O., c 170, s. 20 (17).

No objection admissible after a third arbitrator has been appointed.

How validity of objections to arbitrator determined.

(19) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator. R. S. O., c. 170, s. 20 (18).

Awards not avoided for want of form.

(20) No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award. R. S. O., c. 170, s. 20 (19).

Parties to arbitration may appeal to a judge of High Courts.

(21) Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of the High Court and upon the hearing of such appeal such judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction. R. S. O., c 170, s. 20 (20).

Practice and proceedings upon appeal.

(22) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the judge of the county court under *The County Courts Act*, subject to any General Rules or Orders (to be from time to time made by the judges of the High Court, in the same manner as they are authorized to make other General Rules and Orders respecting practice and procedure) altering and regulating such practice and proceedings. R. S. O., c. 170, s. 20 (21).

Existing practice as to setting aside awards continued.

(23) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession may be taken on payment or tender, etc., of sum awarded.

(24) Upon payment or legal tender of the compensation so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do. R. S. O., c. 170, s. 20 (23).

When compensation to stand in the place of the land.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party. R. S. O., c. 170, s. 20 (25).

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay such compensation into the office of the accountant of the Superior Court of Judicature, with the interest thereon for six months, and may deliver to the said accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. R. S. O., c. 170, s. 20 (26). As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper if there is any published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain. R. S. O., c. 170, s. 20 (27). What notice to be published.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the court deems it equitable to order. R. S. O., c. 170, s. 20 (28). By whom costs be paid.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right. R. S. O., c. 170, s. 20 (29). When interest to be returned to, or paid by the company.

HIGHWAYS, CROSSINGS AND BRIDGES.

36. Highways, crossings and bridges shall be regulated as provided in the following sections: Regulation of highways, crossings and bridges.

37.—(1) The railway, its cars, carriages, engines, motors or machinery shall *not* be carried, operated or worked on, *upon or* along any street, highway or public place of any municipality unless first authorized by an agreement in respect thereof made Use of highways by company.

between said company and such municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality, *to be* passed in pursuance thereof and subject also to the consent of any road company interested in any such street, highway or public place, and subject also in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of the owners *of one half of the* property fronting on such street or highway or public place where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with electricity, or other motive power, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as to *impede* or incommode the public use of any such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same. 57 V. c. 88, s. 18.

☞Provided, however, that when the consent of the municipality has been obtained and an agreement has been entered into as aforesaid and the consent of at least one half of the owners of property fronting on such street, highway or public place cannot be obtained, the Commissioner of Public Works may dispense with such last mentioned consent if in his opinion it is in the public interest so to do. One week's notice of application to the Commissioner shall be given on the company's behalf to the persons who refuse such consent.☜

Crossing steam railways.

38. Except in cities, towns, and incorporated villages the railway of any company operated by steam shall not be crossed or intersected at grade by the railways of the company. 57 V. c. 88, s. 19.

Laying rails flush with the streets.

39. Unless the company and the council of the municipality otherwise agree, the rails of the railway shall be laid (as nearly as practicable) flush with the streets, public roads and highways, *over, along or across which it passes* and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets. R. S. O., c. 117, s. 5.

Use of track by other vehicles.

40.—(1) On all public streets, roads and highways ☞along which the railway is authorized to pass☜ all other ordinary vehicles may use and travel in the said tracks, provided they do not unduly interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyances of the company. 46 V. c. 16, s. 6; R. S. O., c. 171, s. 6.

Railway not to rise more than one inch above level of highways when crossing the same.

(2) No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid. 51 V. c. 29, s. 184, Dom

(3) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity. Guard wires.

(4) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section. Protecting water pipes, etc., from injury by electricity.

(5) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor. Right of action.

41. The ascent of all bridges erected to carry any highway over any railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge. Ascent of bridges.

FENCES.

42.—(1) On each side of all that portion of the railway which is not passing along *or across* a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence, with openings or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway. R. S. O., c 170, s. 30 (1). Fences to be erected on each side of railway.

(2) The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings. Meaning of certain words.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their *motors, cars, carriages or* trains to cattle, horses or other animals on that part of the railway hereby required to be fenced. R. S. O., c. 170, s. 30 (3). Liability of company until cattle guards erected.

TOLLS.

43. Subject to the provisions of this Act, tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or on its motors, cars or carriages and shall be paid to such persons and at such places near to or on the railway, and in such manner and under such regulations as provided by this Act or the said by-laws. R. S. O., c. 170, s. 31 (1). Tolls to be fixed by by-laws or otherwise.

How payment of tolls enforced.

(2) In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof. R. S. O., c. 170, s. 31 (2).

When, if tolls not paid, goods distrained may be sold.

(3) If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. R. S. O., c. 170, s. 31 (3).

When goods distrained or detained may be sold.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto. R. S. O., c. 170, s. 31 (4).

How balance to be dispose of.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the province, until claimed by the party entitled thereto. R. S. O., c. 170, s. 31 (5).

Tolls—how raised, or reduced.

(6) Subject to the provisions of this Act, and subject particularly to the provisions of subsections 10 and 11 of *this* section 43 of this Act, all or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls. R. S. O., c. 170, s. 31 (6).

Amount of fares.

(7) The fares to be taken by the company for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free. R. S. O., c. 171, s. 9 (1) *part*.

When fare to be due.

(8) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and any person refusing to pay the same when demanded by the conductor or motorman, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than $10, besides costs; and the same shall be recoverable before any justice of the peace. R. S. O., c. 171, s. 10.

(9) The tolls and fares to be levied by the company as nearly as possible shall be so fixed and regulated, that after paying "working expenses" the balance of the annual receipts shall not exceed eight per cent. (or $8 on every $100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; and if in any year the gross receipts from tolls and fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized to be worked, operated or carried on by the company by this or the special Act, shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding *eight* per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by sub-section 7 of *this* section. (*New.*)

Limit as to application of receipts of company.

(10) The moneys at the credit of "the surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or $8 on every $100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall *by by-law* make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised. (*New.*)

Application of "surplus tolls account."

(11) Provided that if, during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient, after paying the working expenses of the railway, to pay a dividend of five per cent. on the total amount paid up on the stock of the company, the company may charge against the surplus tolls account an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amount actually paid up on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the surplus tolls account shall equal an amount sufficient to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid.

Table of tolls to be posted up in offices and cars.

(12) The directors shall, from time to time, print and post up, or cause to be printed and posted up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing. R. S. O., c. 170, s. 31 (8).

Tolls to be approved of by the Lieut.-Governor.

(13) No tolls on goods shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof. R. S. O., c. 170, s. 31 (9).

The Lieut.-Governor may revise by-laws fixing tolls.

(14) Every by-law fixing and regulating tolls on goods shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked. R. S. O., c. 170, s. 31 (10).

Payment of back charges on goods.

(15) The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on the payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

PROVISIONAL DIRECTORS AND THEIR POWERS.

Provisional directors, powers of.

44. The persons mentioned by name as such in the special Act are hereby constituted provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank of Canada *all* moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the company, for any cause whatever. They may also fill vacancies in the board caused by death, resignation or other cause, but the provisional directors shall have no powers other than those given by this clause; or in terms conferred on provisional directors by the express words of this Act. S. C., c. 29, s. 33.

Apportionment when more than whole amount of stock subscribed.

45. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. S. C., c. 29, s. 34.

46 The provisional directors may in their discretion exclude any one from subscribing for stock or erase the names of any such subscribers who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act *and of the special Act.* 57 V. c. 88, s. 6, *part.* Excluding subscribers.

47. All meetings of the provisional board of directors shall be held at the place in the special Act mentioned, or at such other place as the provisional directors may determine. Place of meeting of provisional directors.

CAPITAL.

48. The capital stock of the company shall be stated in the special Act and shall be divided into shares of $100 each and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the passing of the special Act as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the surveys, plans and estimates of the works authorized by the special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. Provided that the directors may agree to pay a reasonable sum out of the funds of the company for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or in the purchase of the right of way, whether such promoters or other persons were provisional or are elected directors or not, and any agreement so made *if reasonable,* shall be binding on the company if and after the same shall be confirmed and approved by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company at the passing of such resolution issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. S. C., c. 29, s. 35, *part;* also 57 V. c. 88, s. 28, *part.* Capital stock. Proviso.

49. Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash. *(New.)* Shares to be subject to be paid in cash.

50. No share shall be sold by or for the company at less than its full nominal or par value unless under the authority of provisions in that behalf in the special Act incorporating the company. *(New.)* Shares not to be sold below par.

51. After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public Disposing of unissued or forfeited shares.

notice shall be given by at least *four* insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold for cash to the highest tenderer at or above par. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking. (*New.*)

First meeting for election of directors.

52. So soon as twenty-five per cent. of the authorized capital stock has been subscribed, and ten per cent. of the authorized capital stock has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 54 of this Act; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act.

Annual meetings.

53.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting. 51 V. c. 29, s. 40, Dom.

Special meetings.

Where to be held.

(2) All general meetings, whether annual or special, shall be held at the head office of the company.

Notice of meetings.

54.—(1) At least two weeks' public notice of any meeting *of the shareholders* shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. S. C., c. 29, s. 41.

Evidence.

What business may be transacted.

(2) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the special Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. 51 V. c. 29, s. 40, Dom.

(3) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid. S. C., c. 29, s. 43. Votes on shares.

(4) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, , of , one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said thinks proper. Form of proxy.

In witness whereof, I have hereunto set my hand and seal, the day of in the year

(5) The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. 51 V., c. 29, s. 45, Dom. Votes by proxy valid. Majority to govern.

PRESIDENT AND DIRECTORS.

55.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a delay as possible after the day so appointed. Election of board of directors.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held. R. S. O., c. 170, s. 34 (2). Who entitled to vote.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R. S. O., c. 170, s. 34 (3). Vacancies how to be filled up.

(4) No person shall be a director unless he is a shareholder, owning *at least ten shares of* stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen. R. S. O, c. 170, s. 34 (4). Who qualified to be a director.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors. R. S. O., c. 170, s. 34 (8). Term of office of directors.

Vacancies how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R. S. O., 1887, c. 170, s. 34 (9).

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or

Vice-President.

until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president. R. S. O., 1887, c. 170, s. 34 (10).

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors. R. S. O., 1887, c. 170, s. 34 (11).

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors. R. S. O., 1887, c. 170, s. 34 (12).

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote. R. S. O., 1887, c. 170, s. 34 (13).

Directors to be subject to shareholders and by-laws.

(11) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act. R. S. O., 1887, c. 170, s. 34 (14).

Officers of company not to be directors.

(12) Subject to clause 48 of this Act, no person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter, an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the

benefit of the funds of the company, for the whole amount of profit accruing to such director, *provisional director or promoter* from the contract so made or fulfilled. C. S. C., c. 66, s. 46, *part.*

By-laws for management of stock, etc.

(13) Subject to the provisions of this Act, the directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties and salaries. R. S. O., 1887, c. 170, s. 34 (16).

May appoint officers.

(14) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. Unreasonably large salaries shall not be paid. R. S. O., 1887, c. 170, s. 34 (17), s. 68.

Remuneration of directors.

(15) The directors may be paid such reasonable remuneration for their services for their year of office as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. (*New.*)

Vice-president to act in the absence of the president.

(16) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president. R. S. O., 1887, c. 170, s. 34 (18).

Absence of president may be entered in the minutes, and certified, etc.

(17) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of $1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise. R. S. O., 1887, c. 170, s. 34 (19).

Directors to cause annual accounts to be kept.

(18) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or

of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued and the amount actually received in cash for same, and the amount, if any, still unpaid thereon, and the amount of dividends paid or declared during such year, and the amount on the last day of such year at the credit of the surplus tolls account. This statement shall be filed on or before the last day of *January* in each year, and in default thereof the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to said municipality. R. S. O., 1887, c. 170, s. 34 (20).

CALLS.

Calls.

56.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call.

Notice of meetings, how published.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices.

Payment of calls how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him in cash to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the

holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Certificate of proprietorship *prima facie* evidence.

(7) The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(9) Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(10) No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. R. S. O., 1887, c. 170, s. 35 (1)-(11).

Directors may sell forfeited shares by auction.

(12) The directors may sell such forfeited shares as hereinbefore prescribed. (*New.*)

Certificate of treasurer to be evidence of forfeiture and of title.

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

Interest may be allowed to shareholders paying money in advance on their shares.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest at the legal rate of interest for the time being; but such interest shall not be paid out of the capital subscribed. R. S. O., c. 170, s. 35 (13), (14).

DIVIDENDS.

Declaration of dividend.

57.—(1) At the annual general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise. R. S. O., c. 170, s. 36 (1).

Division of profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. (*New.*)

Dividends, how payable.

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. or $8 on every $100 actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company. (*New*)

Dividends not to impair the capital.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. R. S. O., 1887, c. 170, s. 36 (3).

Application of annual revenue.

(5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise. (*New.*)

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

58.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. R. S. O., c. 170, s. 37.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:— Form of sale

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, hereby do sell and transfer to him share (*or* shares) of the stock of the , to hold to him the said *C D.*, his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. And I the said *C. D.* do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Witness our hands this day of in the year 18 .

R. S. O., c. 170 s. 37 (2).

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid. R. S. O., c. 170, s. 37 (3). Shares to be personal estate —transfer of.

(4) If any share in the company is transmitted by the death bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof. R. S. O., c. 170, s. 37 (4). Transmission of shares other than by transfer, provided for.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts, and the company shall not be bound to see to the application of the money paid upon such receipts. R. S. O., c. 170, s. 37 (5). Company not bound to see to execution of trusts.

(6) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. R. S. O., 1887. Company not to take stock in other companies.

SHAREHOLDERS.

Shareholders individually liable till shares paid up.

59.—(1) Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. R. S. O., c. 170, s. 38.

Account of names and residence of shareholders to be kept.

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being. R. S. O., 1887.

Rights of aliens.

60. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and *corporations excepted* shall also be eligible for office as directors in the said company.

MUNICIPALITIES TAKING STOCK.

Municipal corporations may take stock.

61.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend any sum of money to the company, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than $20, and bearing or not bearing interest, as such municipal corporation thinks meet. R. S. O., c. 170, s 39.

Debentures issued by them to be binding.

(2) Any such debenture issued, endorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or endorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law. R. S. O., 1887.

Not to subscribe for stock unless by-laws are made for that purpose.

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a by-law to that effect has been duly assented to and passed in accordance with and subject to the provisions of s. 634 of *The Consolidated Municipal Act of 1892*, or of the provisions of *The Municipal Act* from time to time in force regulating this matter; ☞ but the proceedings shall be

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commenced and carried on in accordance with the provisions of 65 ot 70 inclusive of this Act.

(4) The mayor, warden or reeve, or other chief officer of such municipal corporation subscribing for and holding stock in the company to the amount of *$20,000*, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company. R. S. O., 1887. Mayor, etc., to be *ex officio* a director in certain cases.

AID TO THE RAILWAY.

62. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. 57 V., c. 88, s. 35 Aid to railway.

63. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands *other than public highways* belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 57 V., c. 88, s. 36. Gifts of lands.

64. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with, and subject to the provisions relating to granting aid by way of bonuses to railways contained in *The Consolidated Municipal Act of 1892* or other law in force at the time of the application to the council for such aid. 57 V., c. 88, s. 37. Aid from municipalities.

65. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely (57 V., c. 88, s. 38):— Submitting bonus by-law

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V. c. 42. s. 308.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as afore said.

55 V. c. 24. s. 308.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

66. Such by-law shall in each instance provide

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

67. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of

a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

68. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. 57 V. c. 88, s. 41.

Deposit to be made before by-law submitted.

69. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law. 57 V. c. 88, s. 42.

Council to pass by-law if assented to by ratepayers.

70. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 57 V. c. 88. s. 42.

Issue of debentures.

71. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other head or other officers thereof within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. 57 V. c. 88, s. 44.

Levying rates on portion of municipality.

72. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. 57 V. c. 88, s. 45.

Application of provisions of 55 V. c. 42.

73. The provisions of *The Consolidated Municipal Act 1892* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 57 V. c. 88, s. 46.

Councils may extend time for commencement.

74. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 57 V. c. 88, s. 47.

Councils may extend time for completion.

75. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time. 57 V. c. 88, s. 48.

Extent of aid from municipalities.

76. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. 57 V. c. 88, s. 48.

By-laws granting exemption from taxation.

77. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. 57 V. c. 88, s. 49.

Issues of debentures.

78. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment

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of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and new trustees appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council 57 V. c. 88, s. 20.

Trusts of proceeds of debentures.

79. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 57 V. c. 88, s. 21.

Fees to trustees.

80. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. 57 V. c. 88, s. 22.

BY-LAWS—NOTICES, ETC.

By-laws to be put into writing and signed by chairman.

81.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of

the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof. R. S. O. 1887.

Copies of minutes to be *prima facie* evidence.

(2) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all courts of civil jurisdiction.

Notices by secretary valid.

(3) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. R. S. O. 1887, c. 170, s. 40.

WORKING OF THE RAILWAY.

Best appliances for communication and for stopping trains to be used.

82.—(1) Every railway company, which runs cars, carriages, or other vehicles upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such cars, carriages or other vehicles adapted to the same such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the motormen of such cars, carriages or other vehicles while the same are in motion—and good and sufficient means of applying, at the will of the motorman or other person appointed to such duty, the brakes to the wheels of the motors, cars, carriages or other vehicles, and of disconnecting the motors, cars, carriages or other vehicles from each other—and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages—and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the Commissioner of Public Works orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person. S. C. c. 29, s. 243.

Penalty for non-compliance.

Liability for damages.

Servants to wear badges.

(2) Every servant of the undertaking employed in a passenger *car or* train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from

any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property. R. S. O., c. 170, s. 41 (1).

Trains to start at regular hours.

(3) The cars, *carriages* or trains shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the *cars, carriages or* trains. R. S. O., c. 170, s. 41 (2).

Passengers and goods to be carried on payment of fare or freight.

(4) Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. R. S. O., c. 170, s. 41 (3).

The company liable for neglect or refusal.

(5) The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any agreement, notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants. R. S. O., c. 170, s 41 (4).

Checks to be fixed on parcels.

(6) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. R. S. O., c. 170, s. 41 (5).

Penalty for refusing to give checks.

(7) If such check is refused on demand, the company shall pay to such passenger the sum of $8, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the *car, carriage or* train. R. S. O., c. 170, s. 41 (6).

Cars to have gongs.

(8) Every car which contains a motor or which runs at the head of a train shall be furnished with a gong of at least ten inches in diameter. R. S. O., c. 170, s. 41 (8).

To be rung or sounded at every crossing etc.

(9) The gong on the first or only car forming a train shall be sounded at the distance at least of eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the car has crossed such highway, under a penalty of $8 for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the motorman having charge of such car and neglecting to sound the gong as aforesaid. R. S. O., c. 170, s. 41 (9).

Passenger refusing to pay fare may be put out.

(10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. R. S. O., c. 170, s. 41 (10).

As to goods of a dangerous nature.

(11) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of $20 for every such offence. R. S. O., c. 170, s. 41 (12).

Dangerous goods may be refused.

(12) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. R. S. O., c. 170, s. 41 (13).

☞(13) No person shall be compelled to work in the service of the railway for a longer period than ten hours per day or than sixty hours per week or on more than six days per week.☜

RAILWAY CROSSINGS.

Crossing lines of electric or street railways.

83.—(1) The company may cross the lines of any electric railway company, or of any company to which this Act applies, or of any street railway company;

(a) Either by the authority of the Commissioner of Public Works, and upon such terms and conditions as the said commissioner shall think just and desirable;

(b) Or by the permission of the municipal council of the municipality or municipalities where the crossing is situate, conferred by a by-law passed for that purpose, and subject to the terms and conditions imposed by the said by-law;

Provided always that the company which seeks to cross shall pay all necessary costs and expenses incurred in altering the rails and otherwise making and completing the crossing.

Crossing lines of railway companies.

(2) In case the company desires to cross the line of a railway company within the legislative authority of this Province, not being a railway company to which the Act applies, nor a street railway company, and such railway company objects, the company shall first obtain the sanction of the Commissioner of Public Works as to the proposed crossing and as to the mode of construction thereof, which said sanction the said commissioner is hereby empowered to give, and thereupon the company shall have the right to cross the other railway upon the terms and in the mode sanctioned by the said commissioner; provided always that the said commissioner before giving his sanction as aforesaid shall give to the railway company objecting an opportunity to be heard, and shall have full power to impose such terms as to cost of maintenance of the said crossing, and as to all other matters in connection therewith as he shall deem proper; provided, however, that the company desiring to cross shall always pay the whole of the cost and expenses of making the proposed crossing, which shall be so sanctioned as aforesaid. (*New.*)

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

84. All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted within twelve months next after the time of such supposed damage sustained, or if there be continuation of damage, then within twelve months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act. R. S. O., c. 170, s. 42 (1).

Fines how recovered.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices. R. S. O., c. 170, c. 42 (2).

How applicable.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. R. S. O., c. 170, s. 42 (3).

When party may be committed.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. R. S. O., c. 170, s. 42 (4).

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

85. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. R. S. O., c. 170, s. 43.

GENERAL PROVISIONS.

Provision as to the carriage of Her Majesty's mail, etc.

86.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and

others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council, as the case requires. R. S. O., c. 170, s. 44 (1).

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. R. S. O., c. 170, s. 44 (2).

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act. R. S. O., c. 170, s. 44 (3).

Tenders must be advertised for.

(4) No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender. R. S. O., c. 170, s. 44 (4).

Ten per cent. to be paid within three years from passing of Special Act.

(5) If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within *three* years after the passing of the special Act, or if the railway is not finished and put in operation in *five* years from the passing of such special Act, the corporate existence and powers of the company as to any part of the railway then uncompleted shall cease. R. S. O., c. 170, s. 44 (5).

Account to be transmitted to the Provincial Secretary.

(6) After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. R. S. O., c. 170, s. 44 (6).

(7) No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company. R. S O., c. 170, s. 44 (7). Variation in form or details may be made.

(8) The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred. R. S. O., c. 170, s. 44 (8). And may dissolve any Corporation formed under this Act.

(9) Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. R. S. O., c. 170, s. 44 (9). Saving of Her Majesty's rights, etc.

(10) No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act with which this Act is or may be incorporated. R. S. O., c. 170, s. 44 (10). Amending or altering Act.

87.—(1) It shall not be lawful for any company to which this Act applies to operate its railway on the Lord's Day. Running railway on Lord's Day.

(2) Provided that any company operating a railway extending from any city for a distance of more than one and a half miles, may run such cars or trains into the city before the hour of ten o'clock in the forenoon and such cars or trains out of the city after the hour of five o'clock in the afternoon on the Lord's Day as may be necessary for the transportation of milk *exclusively*, but no freight of any other kind and no passengers shall be carried upon such car or train, nor shall it be lawful for the company to collect any fare or tolls for the transportation of any passengers, upon the Lord's Day nor for the transportation of any freight except for the transportation of milk as aforesaid.

88. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, per- Powers of High Court as to controlling companies relieving against agreement.

formance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, and in particular those relating to tolls, to capital, to president and directors, to dividends, *to returns*, and to the agreements mentioned in sections 13, 14 and 15 of this Act. (*New.*)

Conveyances of land to company.

89. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. 57 V., c. 88, s. 30.

INSPECTION OF RAILWAYS TO WHICH THIS ACT, IN WHOLE OR IN PART, APPLIES.

Railway Inspectors.

Duties of.

90. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, under the authority of this Act, and every person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. R. S. O., c. 170, s. 51.

Railway not to be open till after one month's notice of intention to open the same.

91. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. R. S. O., c. 170, s. 52.

Penalty for contravention.

92. If any railway or portion of a railway be opened without such notices, the company to whom such railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open, until the said notices have been duly given and have expired. R. S. O., c. 170, s. 53.

Commissioner of Public Works, upon report of Inspectors and approval of Lieutenant-Governor in Council, may order postponement of opening of road.

93. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. R. S. O., c. 170, s. 54.

Penalty for opening contrary to the order of the Commissioner.

94. If any such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open contrary to such order or direction. R. S. O., c. 170, s. 55.

When only such order to be binding on the Company.

95. No such order shall be binding upon any railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. R. S. O., c. 170, s. 56.

When any railway bridge condemned by Commissioner and Inspectors, what to be done

96. When any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of a railway constructed or in course of construction, or a motor, car or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the said Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the motor, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. R. S. O., c. 170, s. 57.

When Inspectors may forbid the running of trains, etc.

97. If, in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular motor, car or carriage should be run or used, the said

Inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such motor, car or carriage, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. R. S. O., c. 170, s. 58.

Commissioner may modify report of Inspectors.

98. The said Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. R. S. O., c. 170, s. 59.

When the Commissioner may regulate speed, etc.

99. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times or rate of speed of running, of motors, cars or trains upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with any such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of $2000. R. S. O., c. 170, s. 60.

Penalty for non-compliance.

Companies to afford information to the Inspectors.

100. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by any such Inspector, and submit to such Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part. R. S. O., c. 170, s. 61.

Inspectors may use telegraph wires; for what purposes.

101. The Inspector shall have the right to use the telegraph or telephone wires and machinery in the offices of or under the control of any such railway company, for the purpose of communicating with any of the officers of the company, or transmitting any order of any such Inspector relating to the railway. R. S. O., c. 170, s. 62.

Operators and others to obey orders of Inspectors.

102. The operators or officers employed in the telegraph or telephone offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector for effecting such communications and transmitting messages for the

purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of $40. R. S. O., c. 170, s. 63.

Authority of Inspectors, how proved.

103. The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works. R. S. O., c. 170, s. 64.

Lieutenant-Governor may order permanent bridges to be substituted for movable bridges.

104. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of $200; and it shall not be lawful for a railway company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed, without the consent of the Lieutenant-Governor in Council previously had and obtained. R. S. O., c. 170, s. 65.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

105. In any case where a railway is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the *compulsory* taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing. R. S. O., c. 170, s. 66.

Railway may be required to repair any level crossing out of repair.

106.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, reeve or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to

the warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same: and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any Court of competent jurisdiction, as money paid to the company's use. R. S. O., c. 170, s. 67.

Inspector's certificate to be conclusive

Proviso.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Inspection not to relieve Company from liability.

107. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve the company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of such company under the existing laws of the Province. R. S. O., c. 170, s. 68.

Company to notify orders of Commissioner to its officers, etc.

108. The company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 127 of this Act. R. S. O., c. 170, s. 69.

What to be deemed sufficient notice thereof.

109. All orders of the said Commissioner shall be considered as made known to the company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company. R. S. O., c. 170, s. 70.

Notice of accidents to be given to the Commissioner of Public Works.

110. The company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or whereby a bridge, culvert, viaduct or tunnel on or of the

railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and the company which wilfully omits to give such notice, shall forfeit to Her Majesty the sum of $200 for every day during which the omission to give the same continues. R. S. O., c. 170, s. 71.

RETURNS.

111. Every company shall annually prepare returns in accordance with the forms contained in schedule C to this Act, of its capital, traffic and working expenses, and of all information required, as indicated in the said form, to be furnished to the Provincial Secretary; and such returns shall be dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the president, or in his absence, of the vice-president or manager of the company. Annual returns to be prepared.

2. Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the then current year. What period to be included.

3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid shall be forwarded by such company to the Provincial Secretary within three months after the last day of December in each year. Duplicate for the Minister.

4. The company shall also, in addition to the information required to be furnished to the Provincial Secretary, as indicated in the said schedule C, furnish such other information and returns as are, from time to time, required by the Provincial Secretary or as shall hereafter be ordered by the Legislature. Further returns when required.

5. Every company which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding twenty dollars for every day during which such default continues, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality. R. S. O., 1887, c. 170, s. 34 (20). Penalty for non compliance.

6. The Provincial Secretary shall lay before the Legislative Assembly, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him in pursuance of this section. Returns to be submitted to Parliament.

Return of accidents to be made semi-annually.

112. The company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. R. S. O., c. 170, s. 72.

Form to be appointed by the Commissioner.

113. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct the railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to the company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. R. S. O., c. 170, s. 73.

Penalty for neglect.

114. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of $100 for every day during which the company neglects to deliver the same. R. S. O., c. 170, s. 74.

Such returns to be privileged communications.

115. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications and shall not be evidence in any Court whatsoever except to enforce the penalties for failure or neglect to furnish cash returns as required by the Act. R. S. O., c. 170, s. 75.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

116. The company shall, so soon as any portion of its railway thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding $10 per mile of railway constructed and in

use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Electric Railway Inspection Fund." R. S. O., c. 170, s. 76.

APPOINTMENT OF RAILWAY CONSTABLES.

117. The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say: Constables may be appointed to act on the line of any railway, and how.

"I, *A. B.*, having been appointed a Constable to act upon and along "(*here name the Railway*), under the provisions of *The Electric Railway Act*, "*1895*, do swear that I will well and truly serve our Sovereign Lady "the Queen, in the said office of Constable, without favour or affection, "malice or ill-will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of my skill "and knowledge, discharge the duties thereof faithfully, according to law: "So help me God." Oath of office.

(2) Such oath or declaration shall be administered by any one such Justice. R. S. O. c. 170, s. 81. By whom to be administered.

118. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. R. S. O. c. 170, s. 82. Powers of such constables, and to what localities they shall extend.

119. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any Duties of such constables.

offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. R. S. O. c. 170, s. 83.

Dismissal of any such constable.

120. Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of the railway company, or any clerk or agent of the company thereto authorized by the board, may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protections and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed. R. S. O. c. 170, s. 84.

Record of appointment of such constable to be kept.

Fees.

121. Every such railway company shall cause to be recorded in the office of the clerk of the peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same within one week after the date of such appointment or dismissal, as the case may be; and every such clerk of the peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes. R. S. O. c. 170, s. 85.

Punishment of constables guilty of neglect of duty.

122. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than $80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. R. S. O. c. 170, s 86.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, etc.

123. The company shall make such by-laws, rules and regulations, to be observed by the conductors, motor men, and other officers and servants of the company, and by all other companies and persons using the railway of the company,

and such regulations with regard to the construction of the motor cars, or carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this part of the Act and the orders and regulations of the Lieutenant-Governor in Council. R. S. O. c. 179, s. 87.

Company may impose penalties for contravention of by-laws.

124. The company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. R. S. O. c. 170, s. 88.

How notice of by-laws or orders may be proved.

125. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. R. S. O. s. 179, s. 89.

When such proof, etc., to be a defence for the Company.

126. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. R. S. O. c. 170, s. 90.

Company not to impede navigation.

127. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried. R. S. O. c. 170, s. 91.

Railways crossing rivers, etc., regulated.

128. If the railway when not passing along the public highway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council from time to time may determine. R. S. O. c. 170, s. 92.

Plans to be submitted to the Lieutenant-Governor in Council.

129. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved ; and no deviation from such approved site and plan shall be made without his consent. R. S. O. c. 170, s. 93.

Exception where special powers given by the Special Act.

130. Nothing contained in the three last preceding sections, shall be construed to limit or affect any power expressly given to the company by its special Act of incorporation or any special Act amending the same. R.S. O. c. 170, s. 94.

When a railway passes over a swing bridge, etc., train to stop for three minutes.

131. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage or train shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said railway company shall be subject to a fine or penalty of four hundred dollars. R. S. O. c. 170, s. 95.

Further precautions at level crossings.

132. *The* railway company shall station an officer at every point on their line crossed on a level by any other railway, and no motor, car or carriage shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R. S. O. c. 170, s. 98.

Further precautions when one railway crosses another on a level;

133. Every motor, car or carriage on *the* railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of *one minute*. R. S. O. c. 170, s. 99.

Or runs through a city, town, etc.

134. No motor, car or carriage shall pass in or through a thickly peopled portion of a city, town or village at a speed greater than ten miles per hour, unless the track is properly fenced or is not running along the public highway. R. S. O. c. 170, s. 100.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

135. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. R. S. O. c. 170, s. 102.

The company may pay penalty and deduct from wages.

136. The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. C. S. C. c. 66, s. 161.

How penalties recovered and applied.

137. All penalties incurred under any of the sections of this Act may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any court having competent jurisdiction thereover; and shall, unless otherwise herein expressly provided, be paid to the treasurer of the province to the credit of "The Railway Inspection Fund." C. S. C. c. 66, s. 193.

SCHEDULE A.

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Electric Railway Company their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered,
In the presence of,

[L.S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE. THE ELECTRIC RAILWAY COMPANY'S OFFICE.

No. A.D. 18

Engineer's Department.

Certificate to be attached to cheques drawn on the Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of the Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (*or* under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*

SCHEDULE C.

Form of yearly returns to the Commissioner of Public Works required from companies under "*The Electric Railway Act, 1895.*"

RETURNS made by the (*corporate name of the company*) in pursuance of "*The Electric Railway Act, 1895,*" for the period included between the (*insert the day to which the last returns extend, or the date of the commencement of operations, as the case may be*), to the last day of December, in the year 18 .

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway, or for the leasing or hiring of power or rolling stock or rails.

Returns of the capital account of the said railway, and the revenue, expenditure, etc.

NO. 1.—CAPITAL ACCOUNT.

—	Autho-rized.	Sub-scribed and issued.	Actu'lly paid up in cash.	*Rate of interest or dividend.
	$ cts.	$ cts.	$ cts.	$ cts.
Total amount of ordinary share capital.				
do of preference share capital.				
do do				
do do				
do do				
do of ordinary bonds..				
do do				
do do				
do do				
do do				
do of municipal loans.....				
do do bonuses.....				
do do subscription to shares				
do do subscription to bonds.....				
do from other sources.....				
Total capital				

* State whether dividend is cumulative or not.

No. 2.—Surplus Tolls Account.

	$	cts.
Total amount at credit of above account on 1st January ..		
Total amount at debit of surplus tolls account (for the year embraced in this return).....		
Interest received thereon for the year		
Total amount carried to credit of surplus tolls account for year		
Total		
Amount expended during year, giving particulars of nature of expenditure.....		
Total at credit of account on last day of the year.		

No. 2.—Loans or Bonuses from Municipalities.

From what source.	Amount of loan granted.	Am't. of bonus granted.	Amount of subscription to shares.	Amount of subscription to bonds.	Rate of interest	Date of repayment.
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Municipalities..						
Totals.....						

No. 3.—Bonds or other Securities Negotiated by the Company.

Amount.	Rate of interest.	Date of sale.	Prices realized.
$ cts.	$ cts.	$ cts.	$ cts.

No. 5.—Floating Debt.

Amount.	Rate of Interest.	Remarks.
$ cts.	$ cts.	

No. 7.—Actual Cost of Railway and Rolling Stock, etc.

——	$ cts.
1. Cost of land and land damages	
2. Cost of grading, masonry and bridging, station buildings, etc	
3. Cost of rolling stock of all kinds, including workshops	
4. Cost of plant, power houses and other property, etc., not included in above	
Total	

The above total to show the real cash cost of construction and rolling stock.

No. 10.—Earnings of the Company.

——	$ cts.
1. From passenger traffic, including admission to company's pleasure parks	
2. From freight traffic	
3. From mails and express freight	
4. From sale of electricity or electric power, for lights, heating, etc	
5. From other sources	
Total	

No. 14.—Summary of Working Expenses.

—	$ cts.
1. Maintenance of line, buildings, etc., of railway.....	
2. Cost of working and repairs to engines, motors, etc.....	
3. do do cars	
4. do general operating expenses of railway.....	
5. Other working expenses of the company in all other business carried on by it	
6. Interest on mortgage indebtedness	
7. Sinking fund	
8. Dividends	
Total cost of operating railway, etc	

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the company.

No. 153.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Electric Railways.

First Reading, 26th March, 1895.
Second Reading, 2nd April, 1895.

(*Reprinted as amended in Committee of the Whole House.*

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 154.] **BILL.** [1895.

An Act to make further provision respecting transfers in fraud of creditors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Where goods or other property fraudently assigned have been sold by assignee.

1. In case of a gift, conveyance, assignment or transfer of any property, real or personal, which in law is invalid against creditors, if the person to whom the gift, conveyance, transfer, delivery or payment was made shall have sold or disposed of the property or any part thereof, the money or other proceeds realized therefor by such person may be seized or recovered in any action by a person who would be entitled to seize and recover the property if it had remained in the possession or control of the debtor or of the person to whom the gift, conveyance, transfer, delivery or payment was made, and such right to seize and recover shall belong, not only to an assignee for the general benefit of creditors, but shall exist in favor of all creditors in case there was no assignment for the benefit of creditors.

Taking proceeds of goods so disposed of under execution.

Rev. Stat. c. 65.

2. Where there has been no assignment for the benefit of creditors, and the proceeds realized as aforesaid are of a character to be seizable under execution, they may be seized under the execution of any creditor, and shall be distributable amongst the creditors under *The Creditors' Relief Act* and the Acts amending the same or otherwise.

Creditor suing on behalf of himself and other creditors.

3. Where there has been no assignment for the benefit of creditors, and whether the proceeds realized aforesaid are or are not of a character to be seized under execution, an action may be brought therefor by a creditor (whether an execution creditor or not), on behalf of himself and all other creditors, or such other proceedings may be taken as may be necessary for rendering the said proceeds available to the general benefit of the creditors. R. S. O., c. 124, secs. 3, 6, 7 and 8; R. S. O., c. 65; 48 Vict. c. 20; 49 Vict. c. 25; 51 Vict. c. 11, secs. 1, 3 and 4; 52 Vict. c. 10, sec. 7; 56 Vict. c. 5, sec. 12. *Tennant* v. *Gallow* 25, O. R. 56.

Protection of innocent purchasers.

4. The preceding section shall not apply as against innocent purchasers of the property.

Certain assignments to be subject to Rev. Stat. c. 124.

5. Every assignment, conveyance or transfer for the general benefit of creditors, whether the assignment is or is not expressed to be made under or in pursuance of the *Act respecting Assignments and Preferences by Insolvent Persons*, and whether the debtor has or has not included all his real estate and all his personal estate, credits and effects, shall vest the estate, whether real or personal or part real and part personal, so assigned in the assignee therein named for the general benefit of creditors, and such assignment and the property thereby assigned shall be subject to all the provisions of the said Act and the Acts amending the same, and the provisions of the said Act and amending Acts shall apply to the assignee named thereunder. R. S. O., c. 124, s. 4.

No. 154.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to make further provision respecting transfers in fraud of creditors.

First Reading, 26th March, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
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An Act to make further provision respecting transfers in fraud of creditors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Where goods or other property fraudently assigned have been sold by assignee.

1. In case of a gift, conveyance, assignment or transfer of any property, real or personal, which in law is invalid against creditors, if the person to whom the gift, conveyance, *assignment or* transfer was made shall have sold or disposed of the property or any part thereof, the money or other proceeds realized therefor by such person may be seized or recovered in any action by a person who would be entitled to seize and recover the property if it had remained in the possession or control of the debtor or of the person to whom the gift, conveyance, transfer, delivery or payment was made, and such right to seize and recover shall belong, not only to an assignee for the general benefit of *the* creditors *of the said debtor*, but shall exist in favor of all creditors *of such debtor* in case there *is* no *such* assignment.

Taking proceeds of goods so disposed of under execution.

Rev. Stat. c. 65.

2. Where there has been no assignment for the benefit of creditors, and the proceeds realized as aforesaid are of a character to be seizable under execution, they may be seized under the execution of any creditor *issued against the debtor*, and shall be distributable amongst the creditors under *The Creditors' Relief Act* and the Acts amending the same or otherwise.

Creditor suing on behalf of himself and other creditors.

3. Where there has been no assignment for the benefit of creditors, and whether the proceeds realized aforesaid are or are not of a character to be seized under execution, an action may be brought therefor by a creditor (whether an execution creditor or not), on behalf of himself and all other creditors, or such other proceedings may be taken as may be necessary *to* render the said proceeds available to the general benefit of the creditors. R. S. O., c. 124, secs. 3, 6, 7 and 8; R. S. O., c. 65; 48 Vict. c. 20; 49 Vict. c. 25; 51 Vict. c. 11, secs. 1, 3 and 4; 52 Vict. c. 10, sec. 7; 56 Vict. c. 5, sec. 12. *Tennant* v. *Gallow* 25, O. R. 56.

Protection of innocent purchasers.

4. The preceding section shall not apply as against innocent purchasers of the property.

Certain assignments to be subject to Rev. Stat. c. 124.

5. Every assignment *hereafter executed* for the general benefit of creditors, whether the assignment is or is not expressed to be made under or in pursuance of the *Act respecting Assignments and Preferences by Insolvent Persons*, and whether the debtor has or has not included all his real estate and personal estate, shall vest the estate, whether real or personal or part real and part personal, *thereby* assigned in the assignee therein named for the general benefit of creditors, and such assignment and the property thereby assigned shall be subject to all the provisions of the said Act and the Acts amending the same, and the provisions of the said Act and amending Acts shall apply to the assignee named thereunder. R. S. O., c. 124, s. 4.

6. Where there has been an assignment for the benefit of creditors the assignee, or assignees, upon resolution passed by a majority vote of the creditors present or represented at a regularly called meeting of the creditors of the assignor or upon the written request or resolution of the majority of the inspectors of the estate may without an order examine the assignor upon oath before a master or local master, or an examiner, or before one of the registrars, deputy clerks of the crown, or before the judge of the county court of the county within which such assignor resides, or before any official referee or may by the order of the court or a judge examine the assignor on oath before any other person to be specially named in such order, touching his estate and effects and as to the property and means he had when the earliest of the debts or liabilities of the assignor existing at the date of the assignment was incurred, and as to the property and means he still has of discharging his debts and liabilities, and as to the disposal he has made of any property since contracting such debt or incurring such liability and as to any and what debts are owing to him. (Consolidated Rule 1360 in part and J. A. 926.)

7. Any person liable to be examined under this Act may be compelled to attend and testify and to produce books and documents, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness in an action in the high court of justice. (J. A. 368, Consolidated Rule 929.)

8. Any person liable to be examined under this Act may be served with an appointment signed by the judge or officer, or a copy thereof, and where the examination is to take place under an order, also with a copy of the order; such service to be made at least 48 hours before the time appointed for the examination; and the person to be examined is to be paid the same fees as a witness. (J. A. 369, Consolidated Rule 930.)

9. The examination shall be conducted in the same manner as in case of an oral examination of an opposite party. (Consolidated Rule 931 in part.)

10. In case such assignor does not attend as required by the said appointment, or appointment and order, as the case may be, and does not allege a sufficient excuse for not attending, or if attending, refuses to disclose his property or his transactions respecting the same, or does not make satisfactory answers respecting the same, or if it appears from such examination that such assignor has concealed or made away with his property in order to defeat or defraud his creditors or any of them, the court or judge may order the assignor to be committed to the common gaol of the county in which he resides, for any term not exceeding twelve months. (Consolidated Rule 932 in part.)

11. The rules and procedure from time to time in force in the high court of justice for the examination of judgment debtors shall, as far as may be, apply to an examination under this Act in all respects as if the assignor were a judgment debtor.

No. 154.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to make further provision respecting transfers in fraud of creditors.

First Reading, 26th March, 1895.
Second Reading, 2nd April, 1895.

(*Reprinted as amended in Committee of the Whole.*)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 155.] **BILL.** [1895.

An Act to amend the School Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Sub-section 5 of section 14 of *The High Schools Act, 1891*, is repealed and the following substituted therefor :— 54 V. c. 57, s. 14, sub-s. 5 repealed.

(5) To apply to the municipal council or councils liable under this Act on or before the 1st day of August, or at such other time as may be required by the municipal council for such sums of money as the board may require for the maintenance of the High School for the twelve months next following the date of such application, exclusive of all fees from pupils and other sources, and of appropriations from the Legislature and municipal council of the county ; and for an additional sum as they may deem expedient for permanent improvements for the same period of time not exceeding five hundred dollars. Application to councils, how made.

2. *The High Schools Act, 1891*, is amended by adding thereto the following section :— 54 V. c. 57, amended.

29*a*.—The trustees of any high school district may, with the approval of a majority of the municipal council or councils composing the district, and the Lieutenant-Governor, sell, transfer or lease any site, territory or other property vested in them as a corporation, and after making provision for all debts and liabilities of the corporation, apply the residue of the proceeds of such sale, transfer or lease to any purpose that may be approved by the Lieutenant-Governor in Council, and on such sale, transfer or lease and disposition of assets as aforesaid, the Lieutenant-Governor in Council may, by proclamation in the *Ontario Gazette*, declare such corporation dissolved and determined. High school trustees may sell site.

3. Sub-section 1 of section 36 of *The High Schools Act, 1891*, is repealed and the following substituted therefor :— 54 V. c. 57, s. 36, sub-s. 1, repealed.

(1) All moneys which the municipal council is authorized to collect under the authority of this Act for permanent improvements shall be paid to the treasurer of the High School board on or before the 25th day of December of the year in which Permanent improvements.

For maintenance.

application was made by the High School trustees for such moneys; all moneys which the municipal council is authorized to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a High School shall be paid from time to time to the High School treasurer as the board may by requisition require.

54 V. c. 55, s. 81, amended.

4. Section 81 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section:—

When part of section is, added to city or town.

(4) When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the re-adjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections.

54 V. c. 55, s. 107, amended.

5. Section 107 of *The Public Schools Act, 1891*, is hereby amended by adding thereto the following sub-section:—

Manual training.

(14) To provide such facilities for industrial and manual training, and such instruction in needlework and domestic economy as they may deem expedient.

54 V. c. 55, s. 107, sub-s. 10, amended.

6. Sub-section 10 of section 107 of *The Public Schools Act, 1891*, is hereby amended by striking out the words "current year" at the end thereof and substituting the words "twelve months next following the date of such application."

54 V. c. 55, s. 110, amended.

7. Section 110 of *The Public Schools Act, 1891*, is amended by adding thereto the following words: "and shall pay the same to the treasurer of the Public School Board from time to time as may be required by the board for teachers' salaries and other current expenses."

54 V. c. 55, s. 172, sub-sec. 3, amended.

8. Sub-section 3 of section 172 of *The Public Schools Act 1891*, is amended by striking out the following words in the 5th line thereof: "so much of the school rates of any such person as would be the equivalent of."

No. 155.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the School Laws.

First Reading, 26th March, 1895.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 155.] **BILL.** [1895.

An Act to amend the School Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Sub-section 5 of section 14 of *The High Schools Act, 1891*, is repealed and the following substituted therefor :— 54 V. c. 57, s. 14, sub-s. 5 repealed.

(5) To apply to the municipal council or councils liable under this Act on or before the 1st day of August, or at such other time as may be required by the municipal council for such sums of money as the board may require for the maintenance of the High School for the twelve months next following the date of such application, exclusive of all fees from pupils and other sources, and of appropriations from the Legislature and municipal council of the county ; and for an additional sum as they may deem expedient for permanent improvements for the same period of time not exceeding five hundred dollars. Application to councils, how made.

2. *The High Schools Act, 1891*, is amended by adding thereto the following section :— 54 V. c. 57, amended.

29*a*.—The trustees of any high school district may, with the approval of a majority of the municipal council or councils composing the district, and the Lieutenant-Governor, sell, transfer or lease any site, territory or other property vested in them as a corporation, and after making provision for all debts and liabilities of the corporation, apply the residue of the proceeds of such sale, transfer or lease to any purpose that may be approved by the Lieutenant-Governor in Council, and on such sale, transfer or lease and disposition of assets as aforesaid, the Lieutenant-Governor in Council may, by proclamation in the *Ontario Gazette*, declare such corporation dissolved and determined. High school trustees may sell site.

3. Sub-section 1 of section 36 of *The High Schools Act, 1891*, is repealed and the following substituted therefor :— 54 V. c. 57, s. 36, sub-s. 1, repealed.

(1) All moneys which the municipal council is authorized to collect under the authority of this Act for permanent improvements shall be paid to the treasurer of the High School board on or before the 25th day of December of the year in which Permanent improvements.

For maintenance.

application was made by the High School trustees for such moneys; all moneys which the municipal council is authorized to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a High School shall be paid from time to time to the High School treasurer as the board may by requisition require.

54 V. c. 55, s. 81, amended.

4. Section 81 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section:—

When part of section is added to city or town.

(4) When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the re-adjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections.

54 V. c. 55, s. 107, amended.

5. Section 107 of *The Public Schools Act, 1891*, is hereby amended by adding thereto the following sub-section:—

Manual training.

(14) To provide such facilities for industrial and manual training, and such instruction in needlework and domestic economy as they may deem expedient.

54 V. c. 55, s. 107, sub-s. 10, amended.

6. Sub-section 10 of section 107 of *The Public Schools Act, 1891*, is hereby amended by striking out the words "current year" at the end thereof and substituting the words "twelve months next following the date of such application."

54 V. c. 55, s. 109, amended.

7. Section 109 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section immediately after sub-section 3 thereof.

Correcting errors in collections of school rate in former years.

(4) In all cases and at all times the municipal council shall have power, and it shall be their duty to correct in subsequent collections any errors or omissions that may have been made within the preceding three years in the collection of the school rate duly imposed or intended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate.

54 V. c. 55, s. 110, amended.

8. Section 110 of *The Public Schools Act, 1891*, is amended by adding thereto the following words: "and shall pay the same to the treasurer of the Public School Board from time to time as may be required by the board for teachers' salaries and other current expenses."

54 V. c. 55, s. 172, sub-s. 3, amended.

9. Sub-section 3 of section 172 of *The Public Schools Act 1891*, is amended by striking out the following words in the 5th line thereof: "so much of the school rates of any such per-

son as would be the equivalent of," and by adding the following as sub-section 3*a* :—

(3*a*.) When the children attending a neighboring section are three miles or more distant in a direct line from the schoolhouse in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such children, for school purposes, as would be at least equal to the fees paid to such neighboring section.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the School Laws.

First Reading, 26th March, 1895.
Second Reading, April, 1895.

(*Reprinted as amended in Committee of the Whole.*)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 156.] BILL. [1895.

An Act to amend The General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 159, s. 85 cl. (*a*) repealed.

1.—(1) Clause *a* of section 85 of *The General Road Companies Act* is repealed, and the following substituted therefor:—

(*a*) For every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one cent; and for every additional horse or other beast drawing such vehicle, one cent.

Rev. Stat. c. 159, s. 85 cl. (*e*).

(2) Clause *e* of the said section is repealed, and the following substituted therefor:—

(*e*) In addition to the above rates, one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds over and above six thousand, which the load of any vehicle weighs when the tires are less than four inches wide.

Rev. Stat. c. 159, s. 86 repealed.

2. Section 86 of the said Act is repealed and the following substituted therefor:—

Wide tires on certain vehicles.

86. The wheels of every vehicle loaded with masts, spars, hewn or round timber or otherwise, when the load exceeds in weight three tons, shall, when used upon or passing over the road constructed or owned by any company to which this Act applies, be provided with tires not less than four inches wide, under penalty of paying one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds of such load in excess three tons.

Rev. Stat. c. 159, s. 91, repealed.

3. Section 91 of the said Act is repealed and the following substituted therefor:—

Crossing toll road.

91.—(1) No tolls shall be taken for merely crossing a road or for travelling thereon in crossing from one transverse road to the transverse road which is nearest to the one from which such crossing was made.

Limited use of roads by occupants of adjoining lands.

(2) No tolls shall be taken for the use of any road by the owner or occupant of lands through or along the boundaries of which such road has been constructed, or by the family, servants, vehicles, cattle, horses or other animals of such owner or occupant, when such road is necessary for ingress and egress to and from such lands; provided that vehicles, horses, cattle or other animals shall not be driven or ridden over such road further than may be necessary to pass to and from such lands to and from the nearest road connecting with the road to which this exemption extends.

Rev. Stat. c. 159, s. 134, amended.

4. Section 134 of *The General Road Companies Act* is amended by striking out the words "by crossing the road or otherwise" in the sixth line of the said section and substituting the words "and proceeds thereon."

Rev. Stat. c. 159, s. 135, repealed.

5. Section 135 of *The General Road Companies Act* is repealed and the following substituted therefor:—

Owner allowing persons to evade tolls by passing over his lands.

135. If any person with intent to aid in the evasion of toll, knowingly permits or suffers any other person proceeding on a toll road to pass through any lands adjoining such road and occupied by such first mentioned person or through any gate thereon with any carriage, sleigh, horse, mare, gelding, or any other animal liable to the payment of toll for the purpose of enabling the person so proceeding on such toll road to pass through said lands and to enter upon such toll road beyond any of the said gates or check gates and proceed thereon without paying toll and thereby evade payment of the toll, the person so offending and also the person riding or driving or the owner of the animal or carriage the payment whereon is so evaded, shall, on conviction before any one justice as aforesaid, incur a penalty not exceeding $4 and not less than $1 to be levied as aforesaid, with costs.

52 V. c. 27, repealed.

6. The Act passed in the 52nd year of Her Majesty's reign, chapter 27, intituled *An Act to amend The General Road Companies Act*, is repealed, and from and after the passing of this Act the sections of *The General Road Companies Act* mentioned in sub-section 1 of section 157 of the said last mentioned Act, shall not apply to or include all toll roads which were at the time of passing of the said amended Act, in the 52nd year of Her Majesty's reign, or have since been owned, leased, held, or in the possession of any person or persons; but the said section 157 shall be read and construed as if the said Act passed in the 52nd year of Her Majesty's reign, chapter 27, had not been passed.

Rev. Stat. c. 159, s. 157, amended.

7. Section 157 of the said, *The General Road Companies Act* is amended by adding thereto the following sub-section:

(3) Notwithstanding anything in this Act contained where the amount of tolls to be charged upon any toll road which has been sold by a municipal corporation were fixed by

by-law of the municipal corporation, constructing, owning or controlling such road, and such by-law was not altered or repealed before the sale of such road by the municpal corporation, the tolls chargeable upon any such road from the time of the passing of this Act shall not be greater than the rates fixed by such by-law of the munipal corporation; and in case of any sale hereafter made of any such road by a municipal corporation, the tolls chargeable thereon shall not be greater than the rates which could be charged at the time of such sale under any by-law of the municipality then in force.

57 V. c. 46, s. 1, amended.

8.—(1) Section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 46, is amended by striking out the words "the owner or occupant of any lands through or along the boundaries of which a toll road has been constructed," in the first and second lines of the said section, and inserting in lieu thereof, the words "any person desiring to commute for a fixed annual sum the tolls payable by him upon using any toll road."

57 V. c. 46, s. 1, amended.

(2) Section 1 of the said Act is further amended by striking out the words "said owner or occupant" in the seventh line of the said section, and inserting in lieu thereof, the words "the person desiring to commute"; and by striking out the words "the said owner or occupant" in the ninth line of the said section, and inserting in lieu thereof "such person."

57 V. c. 46, s. 2, amended.

(3) Section 2 of the said Act is amended by striking out the words "any owner or occupant" at the beginning of the said section, and inserting in lieu thereof, "any person."

Tolls on intersecting roads owned by same company.

9.—(1) Wherever a toll road to which *The General Road Companies Act* applies, is intersected by another toll road, owned or in the possession of the same person, such owner or other person shall not be entitled to charge tolls at any gate upon either of such roads beyond the actual mileage of the road on which the gate is situated, and upon which the person paying toll is proceeding, and each of the said intersecting roads shall, in fixing the amount of toll to be charged on either of them, be considered as independent and separate roads in the same manner, owned or held by different persons or companies.

Tolls on intersecting roads not owned by same company.

(2) Where a toll road is intersected by another toll road, not owned or in the possession of the same company or municipal corporation, the tolls to be charged upon either of the said roads from the point of intersection, shall be based upon the mileage of the road from the point of intersection to its termination in the direction in which the person liable for toll is proceeding, and for the purposes of this section, every toll road so intersected shall be deemed to be divided, and each of the divisions caused by such intersection shall, in reckoning the mileage on which tolls upon the said roads are based, be deemed to be separate and distinct toll roads, in the same manner as if each of the said divisions was held or in the occupation of a separate person, company or corporation.

No. 156.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The General Road Companies Act.

First Reading 27th March, 1895.

Mr. FLATT..

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 156.] **BILL.** [1895.

An Act to amend The General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Clause *a* of section 85 of *The General Road Companies Act* is repealed, and the following substituted therefor:— Rev. Stat. c. 159, s. 85 cl. (*a*) repealed.

(*a*) For every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one cent; and for every additional horse or other beast drawing such vehicle, one cent.

(2) Clause *e* of the said section is repealed, and the following substituted therefor:— Rev. Stat. c. 159, s. 85 cl. (*e*).

(*e*) In addition to the above rates, one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds over and above six thousand, which *a loaded* vehicle weighs when the tires are less than four inches wide.

(3) The said section is further amended by adding thereto the following clause:— Rev. Stat. c. 159, s. 85, amended.

(*f*) On any toll road now established and which is not less than two miles or more than three miles long where one toll only is charged for using the whole length of the road, a charge of three cents for one horse or other animal and any vehicle drawn thereby may be made at each time of passing a gate, or five cents for passing and return on same day if required, and a charge of five cents may be made for a pair of horses or other animals and any vehicle drawn thereby at each time of passing a gate. Special rates for short roads.

2. The said section 85 is amended by adding thereto the following as sub-section 2:— Rev. Stat. c. 159, s. 85, amended.

(2) In computing the mileage for which toll may be collected from a person travelling one mile or over upon any road, any fraction of a mile not less than one half mile shall be counted as one mile, and any fraction of a mile less than one half shall be excluded. In computing mileage one half mile and over to be counted as one mile.

Rev. Stat. c. 159, s. 86 repealed.

3. Section 86 of the said Act is repealed and the following substituted therefor:—

Wide tires on certain vehicles.

86. The wheels of every vehicle loaded with masts, spars, hewn or round timber or otherwise, when the load exceeds in weight three tons, shall, when used upon or passing over the road constructed or owned by any company to which this Act applies, be provided with tires not less than four inches wide, under penalty of paying one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds of such load in excess of three tons.

Rev. Stat. c. 159, s. 91, repealed.

4. Section 91 of the said Act is repealed and the following substituted therefor:—

Crossing toll road.

91.—(1) No tolls shall be taken for merely crossing a road or for travelling thereon *not more than half a mile* in crossing from one transverse road to the transverse road which is nearest to the one from which such crossing was made.

No toll payable by farmer or gardener going to work on his own farm.

☞(2) No toll shall be payable by any farmer or gardener residing on the line of such road when going to or returning from his work on his farm or garden, nor for any of his cattle or other stock when being driven or taken from one farm or garden owned or occupied by him to another part of the same farm or garden when such farm or garden also adjoins such road.

Proviso.

Provided that when such farm or garden is not continuous along such road, such farmer or gardener shall not be entitled to travel on said road without toll as aforesaid or drive or take his stock more than one half mile on any part of such road not adjoining or in front of his farm or garden.☜

Rev. Stat. c. 159, s. 135, repealed.

5. Section 135 of *The General Road Companies Act* is repealed and the following substituted therefor:—

Owner allowing persons to evade tolls by passing over his lands.

135. If any person with intent to aid in the evasion of toll, knowingly permits or suffers any other person proceeding on a toll road to pass through any lands adjoining such road and occupied by such first mentioned person or through any gate thereon with any carriage, sleigh, horse, mare, gelding, or any other animal liable to the payment of toll for the purpose of enabling the person so proceeding on such toll road to pass through said lands and to enter upon such toll road beyond any of the said gates or check gates and proceed thereon without paying toll and thereby evade payment of the toll, the person so offending and also the person riding or driving or the owner of the animal or carriage the payment whereon is so evaded, shall, on conviction before any one justice as aforesaid, incur a penalty not exceeding $4 and not less than $1 to be levied as aforesaid, with costs.

57 V. c. 46, s. 1, amended.

6.—(1) Section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 46, is amended by striking out the

words "the owner or occupant of any lands through or along the boundaries of which a toll road has been constructed," in the first and second lines of the said section, and inserting in lieu thereof, the words "any person desiring to commute for a fixed annual sum the tolls payable by him upon using any toll road."

(2) Section 1 of the said Act is further amended by striking out the words "said owner or occupant" in the seventh line of the said section, and inserting in lieu thereof, the words "the person desiring to commute"; and by striking out the words "the said owner or occupant" in the ninth line of the said section, and inserting in lieu thereof "such person." 57 V. c. 46, s. 1, amended.

(3) Section 1 of the said Act is further amended by striking out the words "for one year" in the eighth line thereof, and by inserting in lieu thereof the words "per annum." 57 V. c. 46, s. 1 amended.

(4) Section 2 of the said Act is amended by striking out the words "any owner or occupant" at the beginning of the said section, and inserting in lieu thereof, "any person." 57 V. c. 46, s. 2, amended.

7.—(1) Section 5 of the last mentioned Act is amended by adding thereto the following as sub-section 2 thereof:— 57 V. c. 46, s. 5 amended.

The commutation shall be based upon the mileage rates of toll authorized by *The General Road Companies Act*, and this Act, and where the distance proposed to be travelled over by the applicant is less than the whole length of the road, the amount of commutation shall be based upon the actual distance which the applicant proposes to use, and he shall be entitled for such commutation rate to use any such portion of the road as may be covered thereby. How commutation to be fixed.

(2) The said Act passed in the 57th year of Her Majesty's reign is amended by adding thereto the following as section 5*a*:— 57 V. c. 46 amended.

5*a*. The order of the judge shall continue in force from year to year, at the same rate and until rescinded upon the application of either party, after the expiration of one year from the date thereof. Order of judge to continue in force one year.

(3) Section 7 of the said Act is amended by striking out the words "a ticket or pass" in the seventh and eighth lines of the said section and inserting in lieu thereof "an annual ticket or pass." 57 V. c. 46, s. 7 amended.

8. Where a toll road is intersected by *or connected with* another toll road, not owned or in the possession of the same company or municipal corporation, the tolls to be charged upon either of the said roads from the point of intersection *or connection*, shall be based upon the mileage of the road from the point of intersection *or connection* to its termination in the direction in which the person liable for toll is proceeding. Tolls on intersecting roads not owned by same company.

9. This Act shall be read with and as part of *The General Road Companies Act*. Act incorporated with Rev. Stat. c. 159.

No. 150.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The General Road Companies Act.

First Reading 27th March, 1895.
Second Reading 3rd April, 1895.

(*Reprinted as amended by Municipal Committee.*)

Mr. FLATT..

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 157.] **BILL.** [1895.

An Act to amend The General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 91 of *The General Road Companies Act* is amended by adding thereto the following as sub-sections 2 and 3 thereof :

Paying toll on mileage actually travelled.

(2) Any person using a toll road shall be entitled to hand to the tollgate-keeper at the time of passing through any tollgate a statement in writing of his name and address and of the township, lot and concession on which he resides, or of the town or city, street and number of his residence or place of business, and of the distance he has travelled and intends travelling on such toll road, and to tender to the tollgate-keeper the proper rate per mile for such use of the toll road, and the tollgate-keeper shall thereupon permit such person to pass through the tollgate upon payment of the rate so tendered, and upon each subsequent time of passing through such tollgate the person who has given such statement in writing may refer thereto and verbally renew the representations therein contained, and shall thereupon be entitled to pass through such gate upon again paying the proper rate per mile for the use of the toll road.

In computing the mileage travelled one-half mile or more shall be reckoned as a mile and no fraction of a mile less than one-half shall be reckoned.

False representations as to mileage travelled.

(3) Any person wilfully making a false representation to any tollgate-keeper under the next preceding sub-section hereof shall incur a penalty not exceeding two dollars and costs, which may be recovered before any justice of the peace for the county in which such tollgate is situated.

No. 157.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 27th March, 1895.

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 158.] **BILL.** [1895.

An Act to further amend The Ontario Game Protection Act, 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 3 of section 3 of *The Ontario Game Protection Act, 1893*, is repealed. 56 V. c. 49, sec. 3, sub-s. 3 repealed.

2. Section 3 of *An Act to amend the Ontario Game Protection Act, 1893*, being chapter 57 of the Statutes of Ontario for 1894, is hereby amended by striking out all the words after the word "believe" in the last line thereof and inserting in the place thereof the following words: "Had been theretofore put, bred, or imported by some person or persons upon his, her, or their own lands with the desire to breed and preserve the same." 57 V. c. 57, s. 3, amended.

No. 158.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to further amend The Ontario Game Protection Act, 1893.

First Reading, 27th March, 1895.

Mr. WILLOUGHBY.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 159.] **BILL.** [1895

An Act to amend the Act to prevent the Profanation of the Lord's Day.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Act to prevent the Profanation of the Lord's Day*, is amended by inserting the word "farmer" immediately after the word "tradesman" in the first line of the said section. Rev. Stat. c. 203, s. 1, amended.

No. 159.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act to prevent the Profanation of the Lord's Day.

First Reading, 27th March, 1895.

Mr. FIELD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 160.] **BILL.** [1895.

An Act to make further provision for the Public Health.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Public Health Act 1895.* Short title.

2. Section 39 of *The Public Health Act* is hereby repealed and the following section and sub-sections are substituted therefor: Rev. Stat. c. 205, s. 39, repealed.

(1) There shall be a local board of health in each township and incorporated village to be composed of the reeve, clerk and three ratepayers, to be appointed by the municipal council in the following manner: One member to be appointed for three years, one member for two years and one member for one year, each member retiring to be replaced by a member appointed for three years from the date of his appointment. Local boards of health in townships and villages.

(2) There shall be a local board of health in each town containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed by the municipal council as follows: One member to be appointed for three years, one member for two years and one member for one year, each member retiring to be replaced by a member appointed for three years from date of appointment. Local board of health in towns of less than 4,000.

(3) There shall be a local board of health for each city and for each town containing more than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor and six ratepayers, to be appointed by the municipal council as follows: Two members to be appointed for three years, two members for two years and two members for one year, the retiring members to be replaced by two members appointed for three years from date of appointment. Local boards of health in cities and towns of more than 4,000.

3. Section 30 of the said Act is hereby repealed and the following section and sub-sections substituted therefor: Rev. Stat. c. 205, s. 30, repealed.

Approval of Provincial Board to establishment of public water supply.

(1) Wherever the establishment of a public water supply is contemplated by the council of any city, town or village, it shall be the duty of the said municipal council to submit to the Provincial Board of Health, together with the plans, an analysis of the water from the proposed source or sources of supply, and an affidavit stating that the water analysed is taken from the proposed source and that the analysis submitted to the Board exactly represents the conditions of the sample examined. In case the source of any proposed public water supply, does not in the opinion of the Provincial Board of Health, meet the sanitary requirements of the municipality, either by reason of the quality of the water, or because the water is likely, owing to the situation of the proposed source of supply, to become contaminated, it shall not be lawful to establish such waterworks without first obtaining from the Provincial Board of Health a certificate signed by the chairman and secretary stating that the proposed source is the best practicable, having regard to all the circumstances of the case, and that all proper measures have been taken to maintain the supply in the highest possible and practicable state of purity.

Approval of Provincial Board to establishment of sewerage system.

(2) Whenever the construction of a *common* sewer or of a system of public sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the Provincial Board of Health, and to submit to the Board before their adoption all plans in connection with said sewer or sewerage system. It shall be the duty of the Provincial Board of Health to enquire and report upon said sewer or system of sewerage, as to whether such is calculated to meet the sanitary requirements of the inhabitants of the said municipality ; and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the said municipality or of any other municipality, liable to be affected thereby.

Amendment of plans at instance of public board of health.

(3) The Provincial Board of Health may make any suggestions or amendments concerning the plans submitted or may impose any conditions with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as it may deem necessary or advisable in the public interest ; and the construction of any main sewer or system of sewerage shall not be proceeded with without being reported upon and approved of by said Provincial Board of Health, and no change in the construction thereof or in the disposal of sewage therefrom liable to injuriously affect the public health shall be made without previous submission to and approval of said Board.

Appeal from board to Lieutenant-Governor in Council.

(4) The decision or report of the Provincial Board of Health with regard to any system of water supply or any public sewer or public system of sewerage or the disposal of sewage therefrom shall be subject to appeal to the Lieutenant-Governor in Council, such appeal to be made within one month after

the filing of the report or decision in the office of the minister of the department to which the Provincial Board of Health is attached; and such decision or report, when not so appealed against, or when confirmed or amended and confirmed upon appeal by the Lieutenant-Governor in Council, shall be binding and conclusive upon all the municipalities and persons affected by the same; provided always that whenever it shall appear that any change of circumstances or conditions has arisen the Provincial Board of Health may, if it deem it advisable, make further enquiry and report as to any system of water supply or main sewer or system of sewerage or the disposal of sewage, which report shall be subject *to appeal* as aforesaid and have the same force and effect as aforesaid.

(5) The said board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by any award authorizing any system of sewerage or the extension of a sewer, and *their* report or decision shall be subject to appeal as aforesaid and have the same force and effect as aforesaid.

4. Section 99 of the said Act is amended by adding thereto the following sub-section: Rev. Stat. c. 205, s. 99, amended.

(8) Whenever any medical health officer, sanitary inspector or other health officer of the Board of Health knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may summon the owner, the person in charge, or any person found feeding the same, before a justice of the peace for violation of the provisions of this section; and wherever such blood, offal or decomposed flesh is found on any premises the burden of proof that such was not intended to be so fed shall rest with the person charged. Should the charge be proven, the health officer making the charge may seize and carry away, or cause to be seized and carried away, the animals, whether dead or alive, to which the aforesaid blood, offal or unboiled or putrid meat has been fed, in order that said animals may be destroyed or so disposed of as to prevent them from being exposed for sale or use for food for man. Feeding certain things to hogs.

5. Section 61 of the said Act is amended by inserting the following words after the word "district" in the fourth line: "affected thereby, may institute an inspection, and when necessary."

No. 160.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL

An Act to make further provision for the Public Health.

First Reading, 27th March, 1895.
Second " 2nd April, 1895.

(*Re-printed as again amended in Committee of Whole House.*)

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 161.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 77, sub-s. 1 repealed.

1. All the words in sub-section 1 of section 77 of *The Consolidated Municipal Act, 1892*, after the words "behalf of the corporation" in the twelfth line thereof are repealed and the following substituted therefor:

Disqualification for membership in councils.

"Or has a contract for the supply of goods or materials, or supplies goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the council or of an officer thereof on behalf of the council or has an unsatisfied claim for such goods or materials, and no person who, either by himself or with or through another, has any claim, action or proceeding against the municipality and no person who is counsel or solicitor either by himself or with or through another in the prosecution of any claim, action or proceeding against a municipality shall be qualified to be a member of the council of any municipal corporation"

55 V. c. 42, s. 102 amended.

2. Section 102 of the said Act is hereby amended by striking out the third paragraph of the form of oath for freeholder therein and substituting therefor the following :

Amendment of oath of freeholder.

"That you are at the date of this election in your own righ (*or your wife is*) a freeholder within this polling sub-division (*or where ward is not sub-divided into polling sub-divisions then* 'within this ward') in this municipality."

55 V. c. 42, s. 102 amended.

Section 102 of said Act is further amended by striking out the 6th paragraph of the said form of oath and substituting therefor the following paragraph :

Amendment of oath of freeholder voting for mayor or reeve, etc.

"(*In the case of municipalities divided into wards*) that you have not voted before at this election either at this or any other polling place in this ward, and (*if the elector is tendering his vote for* mayor, reeve or deputy reeve) that you reside in this polling sub-division (*or when ward not sub-divided into*

polling sub-divisions then 'in this ward') or (are not entitled to vote in the polling sub-division in which you reside, or are not resident within the municipality *as the case may be*) and that you have not voted before or elsewhere at this election in this municipality for mayor, reeve or deputy reeve, and will not vote elsewhere in this municipality at this election for mayor (reeve or deputy reeve *as the case may be.*)"

55 V. c. 42, s. 103 amended.

3. Section 103 of the said Act is hereby amended by striking out the 8th paragraph of the form of oath of householder or tenant therein and substituting therefor the following:

Amendment of oath of householder.

"(*In the case of municipalities divided into wards*) that you have not voted before at this election either at this or any other polling place in this ward and (*if the elector is tendering his vote for* mayor, reeve or deputy reeve) that you reside in this polling sub-division (*or where ward not sub-divided into polling sub-divisions then* 'in this ward') or (are not entitled to vote in the polling sub-division in which you reside) and that you have not voted before or elsewhere in this municipality at this election for mayor, reeve or deputy reeve, and will not vote elsewhere in this municipality at this election for mayor (reeve or deputy reeve *as the case may be.*)

55 V. c. 42, s. 117 amended.

4. Section 117 of the said Act is amended by adding after the word "day" in the first line thereof, the following:

Resignation of person nominated.

"Or where such last named day is a public holiday, then before twelve o'clock of the succeeding day any person proposed for one or more offices may resign or elect for which office he is to remain nominated."

55 V. c. 42, s. 117 amended.

5. Section 117 of the said Act is hereby further amended by striking out all the words after "municipality" in the thirteenth line thereof and substituting therefor the following:

Election by acclamation when other candidates retire.

"Provided also that if by reason of any such resignation or resignations the number of candidates remaining proposed for any office or offices does not exceed the number required by this Act to be elected for such office or offices, then the clerk or other returning officer shall declare such remaining candidate or candidates duly elected to such office or offices."

55 V. c. 42, s. 140, sub.-s. 1 amended.

6. Section 140, sub-section 1, is amended by adding thereto, as sub-section 1 (*a*) the following:

Imprisonment of elector voting twice for mayor.

"The judge shall direct that in default of the payment of the said penalty and costs within the time fixed by the said judge, the offender shall be imprisoned in the common gaol for the county for such period not exceeding thirty days, as shall be directed by the said judgment, and in case of such default of payment the judge shall issue a warrant for such arrest and for confinement of the offender in such common gaol in ac-

cordance with the said judgment, unless the penalty and costs shall be sooner paid."

7. Sub-section 7 of section 143 of this Act is hereby amended by adding thereto after the word "person" "but no such ballot paper shall be delivered by the deputy returning officer to any applicant tendering his vote for mayor, reeve or deputy reeve if the deputy returning officer has knowledge that such applicant does not reside within that polling subdivision, unless the applicant is not qualified to vote where he resides, or unless he does not reside within the municipality." 55 V. c. 42, s. 143, sub-s. 7 amended. Refusal of ballot.

8. Sub-section 2 of section 155 of the said Act is hereby amended by striking out the word "was" in the fifth line thereof and substituting therefor the words "and poll book were." 55 V. c. 42, s. 155, sub-s 2 amended. Declaration as to poll-book.

9. Schedule G of the said Act is hereby amended by adding after the word "list" in the fifth line thereof the words "and poll book," and by substituting the word "were" for the word "was" in the sixth line thereof. 55 V. c. 42, schedule G amended. Declaration as to poll-book.

10. Schedule H of the said Act is hereby amended by striking thereout the words "disclose to any person or persons the name of any person who has voted, and that I will not" in the third and fourth lines thereof. 55 V. c. 42, schedule H amended.

11. *The Consolidated Municipal Act* is amended by adding to section 510 as sub-section 2 thereof the following: 55 V. c. 42, s. 510 amended.

(2) And for the purchase or hiring or leasing of fire engines and other appliances for the purposes of fire protection and for the supply of water therefor and for the issue of debentures of the municipality bearing interest and extending over a period of ten years for the payment thereof. Providing fire appliances.

12. The last two lines of sub-section 1 of section 550 of *The Municipal Act 1892*, are repealed and the following substituted: 55 V. c. 42, s. 550, sub-s. 1 amended.

"Roads within its jurisdiction, and also for permitting subways or bridges for cattle under any highway."

13 The said Act is amended by adding thereto the following section as section 667*a*: 55 V. c. 42 amended.

667*a*.—(1) Upon the petition of a majority of the resident freeholders and householders entitled to vote at a municipal election in any police village, the township council of the township in which such police village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances and the supply of water therefor for the purpose of fire protection, and may by the same or any subsequent by-law Fire protection in police villages.

make provision for assessing and levying on the real property of the said police village the cost of the said fire engine and appliances and for providing such necessary water supply in any one year.

Issuing debentures

(2) Or for the issuing of the debenture or debentures of such township payable in annual proportions during a period not exceeding ten years with interest for the payment therefor and for the levying of the amount payable on such debenture or debentures from time to time upon such real property. And may also by such by-law or by any subsequent by-law make provision for assessing and levying upon the real property of the said village the cost of maintaining and managing the said engine and appliances and for the provisions for the necessary water supply.

Fire protection in defined area in police villages.

(3) Or upon the petition of a majority of the resident freeholders and householders entitled to vote at a municipal election in any defined area or portion of a police village representing in value more than one-half of the assessed real property within such portion or area, the township council of the township in which such police village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances, and the supply of water therefor, for the purposes of fire protection, and may by the same or any subsequent by-law define, by metes and bounds or otherwise what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Costs of such engine, etc.

(4) The said council may levy the costs of such engine and appliances and of the water supply upon the real property to be benefited in any one year, or may issue the debenture or debentures of the township payable in annual proportions during a period not exceeding ten years, with interest as to the said council may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid.

Police trustees to have charge.

(5) The police trustees shall have the charge, control and management of said fire engine and appliances and the said supply of water, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Assent of electors not required.

(6) It shall not be necessary to submit any of the said by-laws in this section or in section 11 hereof mentioned to a vote of the electors.

No. 161.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th March, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 162.] **BILL.** [1895.

An Act for the further Protection of persons employed in Places of Business other than Factories.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

In default of appointment of inspectors by municipal councils under 58 V. s. 4, Lieutenant-Governor may appoint.

1. In case a municipal council fails for 30 days after an application in writing is made to the council by 50 electors of the municipality requesting the council to appoint inspectors, or authorize persons to act as inspectors for the enforcement of the Act passed in the 55th year of Her Majesty's reign, intituled, *An Act for the Protection of Persons employed in Places of Business other than Factories*, the Lieutenant-Governor in Council may appoint two inspectors at the expense of the municipal corporation, and fix their salaries, and the corporation shall pay the same.

2. Any inspector so appointed by the Lieutenant-Governor in Council shall hold office during the pleasure of the Lieutenant-Governor in Council.

When application to council to be deemed to have been made.

3. The application shall be deemed to be made on the day of the same being delivered to the mayor or other chief officer of the corporation, or to the clerk of the council, or at the office of such clerk to a grown-up person in his employment or in the employment of the council.

Female inspector.

4. One of the persons appointed or authorized by the municipal council, or by the Lieutenant-Governor in Council, shall be a woman.

Rules and regulations.

5. In case the Lieutenant-Governor in Council finds or deems it necessary, the said Lieutenant-Governor in Council may make rules and regulations for the enforcement of the said Act and the duties of the inspectors, whether the inspectors or acting inspectors are appointed by the municipal council or by the Lieutenant-Governor in Council; and any rules and regulations so made shall take precedence of any municipal rules and regulations inconsistent therewith.

Act to be read with 55 V. c. 54.

6. This Act and the said other Acts hereinbefore mentioned shall be read and construed as one Act as nearly as may be.

No. 162.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the further Protection of persons employed in Places of Business other than Factories.

First Reading, 27th March, 1895.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 162.] **BILL.** [1895.

An Act for the further Protection of persons employed in Places of Business other than Factories.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

In default of appointment of inspectors by municipal councils under 58 V. s. 4, Lieutenant-Governor may appoint.

1. In case a municipal council fails for *90* days after an application in writing is made to the council by 50 electors of the municipality requesting the council to appoint inspectors, or authorize persons to act as inspectors for the enforcement of the Act passed in the 55th year of Her Majesty's reign, intituled, *An Act for the Protection of Persons employed in Places of Business other than Factories*, the Lieutenant-Governor in Council may appoint two inspectors at the expense of the municipal corporation, and fix their salaries, and the corporation shall pay the same.

2. Any inspector so appointed by the Lieutenant-Governor in Council shall hold office during the pleasure of the Lieutenant-Governor in Council ☞ and on a vacancy occurring in the case of an inspector appointed by the Lieutenant-Governor in Council, unless such vacancy be filled by the municipal council within 90 days after such vacancy arises, the Lieutenant-Governor in Council may make an appointment to fill such vacancy. ☜

When application to council to be deemed to have been made.

3. The application shall be deemed to be made on the day of the same being delivered to the mayor or other chief officer of the corporation, or to the clerk of the council, or at the office of such clerk to a grown-up person in his employment or in the employment of the council.

Female inspector.

4. One of the persons appointed or authorized by the municipal council, or by the Lieutenant-Governor in Council, shall be a woman.

Rules and regulations.

5. In case the Lieutenant-Governor in Council finds or deems it necessary, the said Lieutenant-Governor in Council may make rules and regulations for the enforcement of the said Act and the duties of the inspectors, whether the inspectors or acting inspectors are appointed by the municipal council or by the Lieutenant-Governor in Council; and any rules and regulations so made shall take precedence of any municipal rules and regulations inconsistent therewith.

Act to be read with 55 V. c. 54.

6. This Act and the said other Acts hereinbefore mentioned shall be read and construed as one Act as nearly as may be.

No. 162.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the further Protection of persons employed in Places of Business other than Factories.

First Reading, 27th March, 1895.
Second Reading, 2nd April, 1895.

(*Re-printed as amended in Committee of the Whole.*)

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 163.] **BILL.** [1895.

An Act to make further provision respecting Factories.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Factories Amendment Act, 1895.*

Boys or girls under 14 not to be employed. Rev. Stat. c. 208. 52 V. c. 43.

2. No boy or girl under 14 years of age shall be employed in any factory; except in the business of canning fruits and vegetables and the work incident thereto, as provided for in sub-section 6 of section 6 of *The Ontario Factories Act*, as amended by section 4 of *The Ontario Factories Amendment Act, 1889.* R. S. O. c. 208; 52 V. c. 43.

Rev. Stat. c. 208, s. 15, sub-s. 1, amended.

3. Sub-section 1 of section 15 of *The Ontario Factories Act* is amended by striking out the following words, "belting, shafting, gearing, fly-wheels, drums, and other moving parts of the," and the following is substituted for the said sub-section:

Guarding dangerous places.

(1) All machinery, vats, pans, caldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be as far as practicable securely guarded.

(Hamilton *vs.* Groesbeck, 19 Ont. Rep. 76; s. c. 18 App. Rep. 437.)

Persons occupying same premises and employing five or more persons.

4. Where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of the Factories Acts, and employ in the aggregate five persons or more, no one of such persons employing so many as five, each of the several employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in the 11th and 12th sections of *The Ontario Factories Act*; which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises.

Prevention of accidents by

5.—(1) Besides the present requirements as to fire-escapes, there shall, in the case of factories over two stories in height, be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector shall in writing certify to be in his judgment sufficient, a wire rope for every window in the room, or for as many windows in the room as the inspector shall certify in writing to be sufficient.

(2) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and the outside window of every room is to be provided with proper, convenient and secure fastenings, appurtenances to which one end of the rope may be safely secured or fastened.

(3) The said wire ropes are to be kept in a coil or other convenient position in the room.

Certificate of inspector.

(4) In case the inspector gives any certificate in writing as to the sufficiency of wire ropes being in some only of the rooms or for some only of the windows of any room, he shall transmit a copy of the certificate to the clerk of the municipality in which the factory is situated. *See* R. S. O. c. 208, s. 16, sub-s. 1; 51 V. c. 34, sec. 3.

Notice from inspector as to precaution against accidents.

6. In addition to the particulars mentioned in the first sub-section of section 15 of the said *Ontario Factories Act*, and thereby required to be securely guarded, any other particulars which any inspector shall from time to time consider dangerous, and shall give notice to that effect to the employer, shall likewise as far as practicable be secured as in the sub-section mentioned.

Notice of accident to be given to inspector.

7. In case of a fire accident in any factory occasioning any bodily injury to any person employed therein, whereby he is prevented from working for more than six days next after the fire, a notice shall be sent to the inspector in writing by the employer forthwith after the expiration of the said six days, and if such notice is not so sent the employer shall be liable to a fine not exceeding $30.

Notice of explosion.

8. In case of an explosion occurring in a factory whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to one of the inspectors in writing by the employer within six days next after the explosion takes place. And if such notice is not so sent, the employer shall be liable to a fine not exceeding $30. (*Vide* R. S. O. c. 208, s. 18.)

Notification of death or fatal injury.

9. Where in a factory any person is killed from any cause, or is injured from any cause, in a manner likely to prove fatal, written notice of the accident shall be sent to the in-

spector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall be liable to a fine not exceeding $30. (*Ib.* s. 19.)

Female inspector.

10. The Lieutenant-Governor in Council may from time to time appoint a female inspector for the purpose of carrying out the said Acts and this Act, in addition to the other inspectors by law directed. (*Ib.* s. 25.)

Limitation of prosecutions.

11. The time for laying information in respect of offences and fines under the said Acts or this Act shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months, after the offence has come to the knowledge of the inspector.

Prohibiting employment of girls under 18 and boys under 16.

12. The Lieutenant-Governor in Council may from time to time by Order in Council, notice of which shall be published in the *Ontario Gazette*, prohibit the employment of girls under the age of eighteen, and of boys under the age of sixteen in factories, the work in which is deemed by the Lieutenant-Governor in Council to be dangerous or unwholesome.

Rev. Stat. c. 208; 52 V. c. 43, schedule A, amended.

13. Schedule A, substituted for the schedule to *The Ontario Factories Act* by *The Ontario Factories Amendment Act 1889*, passed in the 52nd year of Her Majesty's reign, chapter 43, is amended by inserting therein the words "bakehouses and bakeshops."

Rev. Stat. c. 208, s. 6, sub-s. 2, and ss. 18, 19 repealed.

14. The following sections and sub-sections of *The Ontario Factories Act* are hereby repealed, namely:

Sub-section 2 of section 6; and

Sections 18 and 19.

Act to be read with Rev. Stat. c. 208, etc.

15. This Act and the said Acts hereinbefore mentioned shall be read and construed as one Act.

No. 163.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to make further provision respecting Factories.

First Reading, , 1895.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 163.] BILL. [1895.

An Act to make further provision respecting Factories.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Factories Amendment Act, 1895.*

Boys or girls under 14 not to be employed.

Rev. Stat. c. 208.

52 V. c. 43.

2. No boy or girl under 14 years of age shall be employed in any factory; except in the business of canning, *desiccating* fruits and vegetables and the work *incidental* thereto, as provided for in sub-section 6 of section 6 of *The Ontario Factories Act*, as amended by section 4 of *The Ontario Factories Amendment Act, 1889.* R. S. O. c. 208; 52 V. c. 43.

Rev. Stat. c. 208, s. 15, sub-s. 1, amended.

3. Sub-section 1 of section 15 of *The Ontario Factories Act is repealed* and the following is substituted for the said sub-section.

Guarding dangerous places.

(1) All *dangerous parts of mill gearing*, machinery, vats, pans, caldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be as far as practicable securely guarded.

(Hamilton *vs.* Groesbeck, 19 Ont. Rep. 76; s. c. 18 App. Rep. 437.)

Persons occupying same premises and employing five or more persons.

4. Where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of the Factories Acts, and employ in the aggregate *six* persons or more, no one of such persons employing so many as *six* each of the several employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in the 11th and 12th sections of *The Ontario Factories Act*; which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises.

Prevention of accidents by

5.—(1) Besides the present requirements as to fire-escapes, there shall, in the case of factories over two stories in height, be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector shall in writing certify to be in his judgment sufficient, a wire *or other* rope for every window in the room, or for as many windows in the room as the inspector shall certify in writing to be sufficient.

(2) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and *every such* window of every room is to be provided with proper, convenient and secure fastenings, appurtenances to which one end of the rope may be safely secured or fastened.

(3) The said wire *or other* ropes are to be kept in a coil or other convenient position in the room.

Notice from inspector as to precaution against accidents.

6. In addition to the particulars mentioned in the first sub-section of section 15 of the said *Ontario Factories Act*, and thereby required to be securely guarded, any other particulars which any inspector shall from time to time consider dangerous, and shall give notice to that effect to the employer, shall likewise as far as practicable be secured as in the sub-section mentioned.

Notice of accident to be given to inspector.

7. In case of a fire *or* accident in any factory occasioning any bodily injury to any person employed therein, whereby he is prevented from working for more than six days next after the fire *or accident*, a notice shall be sent to the inspector in writing by the employer forthwith after the expiration of the said six days, and if such notice is not so sent the employer shall be liable to a fine not exceeding $30.

Notice of explosion.

8. In case of an explosion occurring in a factory whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the inspector in writing by the employer within *twenty-four hours* next after the explosion takes place. And if such notice is not so sent, the employer shall be liable to a fine not exceeding $30. (*Vide* R. S. O. c. 208, s. 18.)

Notification of death or fatal injury.

9. Where in a factory any person is killed from any cause, or is injured from any cause, in a manner likely to prove fatal, written notice of the accident shall be sent to the inspector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall be liable to a fine not exceeding $30. (*Ib.* s. 19.)

10. The Lieutenant-Governor in Council may from time to time appoint a female inspector for the purpose of carrying out the said Acts and this Act, in addition to the other inspectors by law directed. (*Ib.* s. 24.) Female inspector.

11. The time for laying *an* information in respect of offences and fines under the said Acts or this Act shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months, after the offence has come to the knowledge of the inspector. Limitation of prosecutions.

12. The Lieutenant-Governor in Council may from time to time by Order in Council, notice of which shall be published in the *Ontario Gazette*, prohibit the employment of girls under the age of eighteen, and of boys under the age of sixteen in factories, the work in which is deemed by the Lieutenant-Governor in Council to be dangerous or unwholesome. Prohibiting employment of girls under 18 and boys under 16.

13. Schedule A., substituted for the schedule to *The Ontario Factories Act* by *The Ontario Factories Amendment Act 1889*, passed in the 52nd year of Her Majesty's reign, chapter 43, is amended by inserting therein the words "bakehouses and bakeshops." Rev. Stat. c. 208; 52 V. c. 43, schedule A, amended.

14. The following sections and sub-sections of *The Ontario Factories Act* are hereby repealed, namely: Rev. Stat. c. 208, s. 6, sub-s. 2, and ss. 18, 19 repealed.

Sub-section *1 and* 2 of section 6; and

Sections 18 and 19.

15. This Act and the said Acts hereinbefore mentioned shall be read and construed as one Act. Act to be read with Rev. Stat. c. 208, etc.

16. This Act shall come into force on the first day of July next, and shall not affect or apply to litigation or clauses pending at the time it shall take effect.

No. 104.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to make further provision respecting Factories.

First Reading, 27th March, 1895.
Second Reading, 2nd April, 1895.

(*Reprinted as amended in Committee of the Whole House.*)

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 164.] **BILL.** [1895.

An Act respecting the relations of Landlord and Tenant.

HER MAJESTY by and with the advice and consent of the Legislative assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as *The Landlord and Tenant Act 1895.*

Rev. Stat., c. 106, schedule B amended.

2. *The Act respecting Short Forms of Leases*, being chapter 106 of the Revised Statutes of Ontario 1887, is amended as follows:

Covenant to repair.

(*a*) By inserting after the word "made" at the end of the 6th line in the covenant number 3 in column two of schedule B to the said Act the words "by the lessor."

Leaving premises in good repair.

(*b*) By inserting after the word "fixtures" in the 6th line of covenant number 8 in column two of schedule B to the said Act the words "erected or made by the lessor" and by inserting in the last line of the said covenant number 8 in column two of schedule B to the said Act after the word "fire" the words "and tempest."

Removal of tenant's fixtures or determination of lease.

(*c*) By changing the numbers of the present covenants numbered 9 and 10 in columns 1 and 2 of schedule B to the said Act to numbers 11 and 12 respectively; and by inserting in column 1 of the said schedule immediately after number 8 therein a proviso numbered to be 9 as follows:

"(9) Provided, that the lessee may remove his fixtures,"

And by inserting in column 2 of the said schedule opposite thereto a proviso to be numbered 9 as follows:

"(9) Provided always and it is hereby expressly agreed that the lessee may at any time prior to the end of the term hereby granted, take, remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, shelving, counters, safes or other articles upon the said premises in the nature of trade or tenants' fixtures or other articles belonging to or brought upon the said premises by the said lessee, but the lessee shall in such removal do no

damage to the said premises, or shall make good any damage which he may occasion thereto;"

And by inserting in column 1 of said schedule B a proviso to be numbered 10 as follows:

Rent to cease after fire until premises rebuilt.

(10) "Provided, that in the event of fire, rent shall cease until the premises are rebuilt,"

And by inserting in column 2 of the said schedule opposite thereto a proviso numbered 10 as follows:

"(10) Provided, and it is hereby declared and agreed that in case the premises hereby demised or any part thereof shall at any time during the term hereby agreed upon be burned down or damaged by fire so as to render the same unfit for the purposes of the said lessee, then and so often as the same shall happen, the rent hereby reserved, or a proportionate part thereof, according to the nature and extent of the injuries sustained shall abate, and all or any remedies for recovery of said rent or such proportionate part thereof shall be suspended until the said premises shall have been rebuilt or made fit for the purposes of the said lessee."

Rev. Stat., c. 143, s. 28, sub-s. 4, repealed.

3. Sub-section 4 of section 28 of the *Act respecting Landlord and Tenant*, is hereby repealed and the following substituted therefor:

Lien of landlord for rent after assignment for benefit of creditors.

(4) In case of an assignment for the general benefit of creditors the preferential lien of the landlord for rent is restricted to the arrears of rent due during the period of one year last previous to, and for three months following, the execution of such assignment and from thence so long as the assignee shall retain possession of the premises leased.

Assignee to retain possession for remainder of term.

(5) Notwithstanding any provision, stipulation or agreement in any lease or agreement contained, in case of an assignment for the general benefit of creditors, or in case an order is made for the winding up of an incorporated company, being lessees, the assignee or liquidator shall be at liberty within one month from the execution of such assignment or the making of such winding up order by notice in writing under his hand given to the lessor to elect to retain the premises occupied by the assignor or company as aforesaid at the time of such assignment or winding up, for the unexpired term of any lease under which the said premises were held, or for such portion of the said term as he shall see fit, upon the terms of such lease and paying the rent therefor provided by said lease. R.S.O., c. 143.

Foundation of relation of landlord and tenant.

4. The relation of landlord and tenant shall be deemed to be founded in the express or implied contract of the parties, and not upon tenure or service, and a reversion shall not be necessary to such relation, which shall be deemed to subsist in all cases where there shall be an agreement to hold land from or under another in consideration of any rent. Imp. 23 and 24 Vict., c. 154, s. 3.

No. 164.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the relations of Landlord and Tenant.

First Reading, 27th March, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 165.] BILL. [1895.

An Act to amend The Industrial Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation

Rev. Stat. c. 234.

1. In this Act the words "industrial school" shall mean a school certified by the Minister of Education under section 3 of *The Industrial Schools Act.* The words "industrial school board" shall mean the board of management of such certified industrial school, whether acting directly under powers conferred by said Act, or under powers delegated pursuant to said Act.

Authorizing corporations of cities and towns guaranteeing debentures issued, for industrial school purposes.

Proviso.

Proviso.

2. When the school board of any city or town has itself, or where any philanthropic society acting under powers delegated by the public or separate school board, has established an industrial school or schools, and for the purpose of the purchase of lands and the erection of the necessary buildings thereon has incurred a debt or debts, or is about to incur such debt or debts, and where such school board, or the philanthropic society aforesaid, is desirous of or has issued debentures for the purpose of paying such indebtedness, then such school board or the board of such philanthropic society may request the council of such city or town to endorse or guarantee such debentures, and the corporation of such city or town shall have the power and are hereby authorized to guarantee the debentures so issued, and such endorsement or guarantee shall have the same force and effect as debentures issued by such city or town for school purposes. Provided, first: That the amount of the debentures so issued shall not exceed sixty per cent. in value of the lands, buildings and improvements of such school board or philanthropic society held for industrial school purposes. Provided, secondly: That the corporation shall either take a mortgage on the said property in respect of which the debentures are issued themselves, or an assignment of an existing mortgage, or require a mortgage to be made to a trust corporation or other trustees as security for such debentures.

Debentures issued for public industrial schools to be supported by public school moneys.

3. Any debenture debt incurred under section 2 of this Act by an industrial school board acting under powers derived from the public school board shall be a liability of the supporters of public schools, and likewise any debt incurred by an industrial school board acting under powers derived from a separate school board shall be a liability of the supporters of separate schools.

Rev. Stat. c. 234, s. 6, amended.

School boards may pay a per capita allowance instead of furnishing teachers.

4. Section 6 of *The Industrial Schools Act*, is hereby amended by adding at the end thereof the following words: "Any such school board may pay a per capita allowance to the industrial school board in lieu of providing such teachers such per capita allowance for each child taught, to be not less than the average cost per capita for each child attending the schools under the management of such school board in the then next preceding year, the number of children in the industrial school to be estimated as being the same number as during such next preceding year, and should such plan of payment be adopted, then all the powers of such school board as to hiring and discharging of teachers shall vest in the industrial school board.

Children to be under supervision of industrial school board till 18.

5.—(1) Every child now under the control of an industrial school board, or hereafter sent to an industrial school, shall, from the expiration of the period of his detention at such school, remain up to the age of 18 under the supervision of the industrial school board.

Rev. Stat. c. 234.

(2) Such industrial school board shall have the same powers in respect of children under their supervision as are conferred upon such board by *The Industrial Schools' Act* in respect of other boys committed to said school. *See* Imperial Act, 1894, cap. 33.

Certain powers transferred to the superintendent of neglected and dependent children.

6. The powers and duties heretofore conferred upon the inspector of prisons and public charities as to the inspection of industrial schools may be exercised and performed by the superintendent of neglected and dependent children.

No. 165.

1st Session, 8th Legislature 58 Vict., 1895.

BILL.

An Act to amend The Industrial Schools Act.

First Reading, 28th March, 1895.

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 166.] BILL. [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 124 of *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following: 55 V. c. 48, s. 124, sub-s. 1 amended.

Goods in possession of warehouseman not to be seized for taxes.

Provided nevertheless that no goods which are in the possession of the person liable to pay such taxes for the purpose of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

Goods in possession of assignee or liquidator not to be seized for taxes.

And provided further that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the joint stock company being wound up and the taxes upon the premises in which the said goods were at the time of the assignment or winding up order.

No. 166.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th March, 1895.

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 167.] BILL. [1895.

An Act to correct a clerical error in the schedule to the Act respecting Mortgages of Real Estate.

Preamble.

WHEREAS section 20 of *The Act respecting Mortgages of Real Estate*, chapter 102 of the Revised Statutes, 1887, providing that no sale under the power conferred by section 18 should be made until after three months' written notice of such intended sale had been given, was amended by section 3 of the Act passed in the fifty-first year of Her Majesty's reign, chaptered 15, by substituting two months' notice in lieu of three months'; and whereas no amendment was made to the form of notice given in section 22 of the said Revised Statute; and whereas it is expedient that the said form of notice should be in conformity with the said section 20 as amended;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 102, s. 22 amended.

1. Section 22 of *The Act respecting Mortgages of Real Estate*, being chapter 102 of the Revised Statutes of Ontario, 1887, is amended by striking out the words "three calendar months" in the fourth line thereof and substituting therefor the words "two calendar months."

No. 167.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to correct a clerical error in the schedule to the Act respecting Mortgages of Real Estate.

First Reading, 28th March, 1895.

The Attorney-General.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 168.] **BILL.** [1895.

An Act respecting the City of London.

Preamble.

WHEREAS it is by section 5 of the Act, passed in the 57th year of Her Majesty's reign, chaptered 71, intituled *An Act respecting the City of London*, provided that the corporation of the city of London may borrow an amount not exceeding $110,000, to pay for the bridges and large culverts in the said section referred to; and whereas, it has been ascertained that it will not require the whole of the said sum of $110,000 for the purposes aforesaid; and whereas, the municipal council of the said corporation has, by its petition, prayed that the said corporation may apply out of the moneys by the said section authorized to be borrowed, an amount not exceeding $25,000, to pay for the terminals, land, and works hereinafter mentioned, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assemby of the Province of Ontario, enacts as follows:—

Application of surplus of funds borrowed under 57 V. c. 71, s. 5.

1. The moneys by the said section 5 of the said Act, authorized to be borrowed, may be borrowed as well to pay for the terminals, erections, works, right of way and land, hereinafter referred to, as for the said bridges and large culverts, and, out of the moneys so borrowed, the said corporation may, to the extent that the same are not required to pay for the said bridges and culverts, apply the same (but not exceeding $25,000), to pay for the terminals, erections and works at London, St. Thomas, and Port Stanley, and for the purchase of the right of way at Port Stanley, which are mentioned in paragraphs 3a, 33 and 18 of the lease in the said section 5 referred to, and such other land in Port Stanley as the directors of the London and Port Stanley Railway Company may require in addition to the said right of way.

London and Port Stanley Railway, to secure moneys so applied by city.

2. The last named company shall be bound to secure the moneys so applied and the interest thereon to the corporation of the city of London, in like manner as they are bound by the said section 5, to secure the moneys provided to pay for the said bridges and culverts.

No. 168.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the City of London.

First Reading, 28th March, 1895.

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 168.] **BILL.** [1895.

An Act respecting the City of London.

WHEREAS the corporation of the city of London have by their petition set forth that by section 5 of the Act, passed in the 57th year of Her Majesty's reign, chaptered 71, intituled *An Act respecting the City of London*, provided that the corporation of the city of London may borrow an amount not exceeding $110,000, to pay for *the renewal of* the bridges and large culverts in the said section referred to; and whereas, it has been ascertained that it will not require the whole of the said sum of $110,000 for the purposes aforesaid; and whereas, the municipal council of the said corporation has, by *the said* petition, prayed that the said corporation may to the extent that the same are not required to pay for the renewal of the said bridges and culverts apply out of the moneys by the said section authorized to be borrowed, an amount not exceeding $25,000, to pay for the terminals, land, and works hereinafter mentioned, and whereas the Lake Erie and Detroit River Railway Company assent to the provisions hereinafter set forth and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assemby of the Province of Ontario, enacts as follows:—

1. The moneys by the said section 5 of the said Act, authorized to be borrowed, may be borrowed as well to pay for the terminals, erections, works, right of way and land, hereinafter referred to, as for the said bridges and large culverts, and, out of the moneys so borrowed, the said corporation may, to the extent that the same are not required to pay for *the renewal of* the said bridges and culverts, apply the same (but not exceeding $25,000), to pay for the terminals, erections and works at London, St. Thomas, and Port Stanley, and for the purchase of the right of way at Port Stanley, which are mentioned in paragraphs 3a, 33 and 18 of the lease in the said section 5 referred to, and such other land in Port Stanley as the directors of the London and Port Stanley Railway Company may require in addition to the said right of way. Application of surplus of funds borrowed under 57 V. c. 71, s. 5.

☞2. The provisions of section 6 of the said Act shall apply to this Act as if the same were incorporated in and enacted by this Act, and the debentures issued for the said purposes may bear such rate of interest, not exceeding six per cent. per annum, as the council of the said corporation may determine.☜

London and Port Stanley Railway, to secure moneys so applied by city.

3. The last named company shall be bound to secure the moneys so applied and the interest thereon to the corporation of the city of London, in like manner as they are bound by the said section 5, to secure the moneys provided to pay for the said bridges and culverts.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the City of London.

First Reading, 28th March, 1895.

(*Reprinted as amended by Private Bills Committee.*

Mr. HOBBS.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 169.] BILL. [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Consolidated Assessment Act 1892*, is hereby amended by adding thereto the following as sub-section 21*a*: 55 V. c. 48, s. 7, amended.

"21*a*. The debts or liabilities in respect of which or to answer which a reserve is required by any law or regulation of the Dominion or Province to be maintained by any registered insurance corporation and the interest on the said reserve to the extent of four and a half per cent. per annum." Exemption of reserve funds from taxation.

No. 169.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 29th March, 1895.

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 170.] **BILL.** [1895

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 1 of *The Assessment Amendment Act 1894*, is hereby amended by striking out all the words in said section after "**7** (*a*)" in the fifth line of said section. 57 V. c. 51, s. 1, amended.

No. 170.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 29th March, 1895.

Mr. BUSH.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 171.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Municipal Act 1892*, is amended by adding thereto the following as sub-section 667*b*: 44 V. c. 42, amended.

667*a*.—(1) Upon the petition of three-fourths of the resident freeholders and householders entitled to vote at a municipal election in any police village, the township council of the township in which such police village is situate may pass a by-law or by-laws for acquiring real property within or without the limits of said police village for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the said council may deem necessary for the purposes of such park, garden or place for exhibitions and for the disposal of such real property and improvements when no longer required for such purposes. Establishment of parks, gardens, etc., in police villages.

(2) By the same or any subsequent by-law the council may make provision for assessing and levying on the real property of the said police village, the cost of such park, garden or place for exhibitions, and of the erecting thereon of buildings and fences and of the repairing and maintaining of such improvements, or for the issuing of the debenture or debentures of such township payable in annual proportions during a period not exceeding ten years, with interest for the payment therefor, and for levying of the amount payable on such debenture or debentures from time to time upon such real property. Assessing property in police villages for cost of parks.

(3) The police trustees shall have the charge, control and management of such public park, garden or place for exhibition, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining such public park, garden or place for exhibitions. Police trustees to have control of park.

(4) It shall not be necessary to submit any of the said by-laws in this section to a vote of the electors. Assent of electors not required.

1st Session, 8th Legislature, 58 Vict, 1895.

BILL.

An Act to amend The Municlpal Act.

First Reading, 29th March, 1895.

Mr. GIBSON,
(Huron.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 172.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 187 of *The Consolidated Municipal Act 1892*, sub-section 1, is hereby amended by inserting after the word "thereat" in the twelfth line thereof the words "and in case of an election by acclamation any elector entitled to vote thereat." 55 V. c. 42, s. 187, sub-s. 1 amended.

No. 172.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 29th March, 1895.

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 173.] BILL. [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 157 of *The Consolidated Assessment Act 1892* is hereby repealed and the following substituted therefor : 55 V. c. 48, s. 157, repealed.

"157. All taxes in arrear shall bear interest at a rate not exceeding six per cent. per annum calculated from date such taxes become due from year to year as and when provided by the municipality." Interest on arrears of taxes.

2. Section 53 of *The Consolidated Assessment Act 1892*, is amended by striking out the words "five per cent." in the second line thereof and substituting therefor the words "six per cent. per annum." 55 V. c. 48, s. 53, amended.

No. 173.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 29th March, 1895.

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 174.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act of 1892* is amended by adding thereto the following sections: 55 V. c. 42, amended.

68*a*. The council of every city may pass by-laws from time to time providing that aldermen to be elected, or some of them, shall hold office for a period not exceeding three years, and defining their respective terms of office, but no such by-law shall take effect unless two-thirds of the members of the council vote in favor of it; and such council may also, by a like majority, pass by-laws repealing or altering any by-laws that may have been passed for the purposes aforesaid. By-laws for fixing term for which aldermen shall be elected.

476*a*. All expenditures of which cities or towns separated from counties shall, as parts of their respective counties for judicial purposes, be liable under any of the foregoing sections to bear and pay their just share or proportion, shall be regulated and controlled by a joint committee of the councils of such cities or towns and counties composed of an equal number of representatives from each of such councils, the warden of the county and the mayor of such city or town to be *exofficio* members of the joint committee; and where such expenditures are not equally divided between the two municipalities, the representation on such joint committee shall be in proportion to the share borne by each municipality of the total of such expenditures. The joint committee shall consist of six members from each of the two municipalities, including the mayor or warden, and of an additional member or members according to the proportion aforesaid from the municipality paying the largest share of the joint expenditures. Adjustment of liability of cities and towns for share in expenses of administration of justice.

2. Section 531 of the said Act is amended by inserting the words "or unsafe or defective condition or want of repair" after the word "opening" wherever it occurs in sub-sections 4, 5 and 6; and by inserting the word "caused" after the word "loft" wherever it occurs in said sub-sections. 55 V. c. 42, s. 531, amended.

3. Section 629 of the said Act is amended by adding thereto the following sub-section: 55 V. c. 42, s. 629, amended.

(5) The council may also, by by-law, designate certain streets or parts of streets to be watered, swept or lighted, and may impose a special rate upon the assessed real property therein according to the frontage thereof, or according to the assessed value thereof when only such latter system shall have been adopted, by a three-fourths vote of the full council, in order to Local assessments for watering, sweeping or lighting streets.

No. 174.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 29th March, 1895.

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 175.] **BILL.** [1895.

An Act for the relief of Cheese and Butter Manufacturing Associations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to mortgage lands.

1. Every association incorporated under the Act passed in the 51st year of Her Majesty's reign, chapter 24, for the purpose of manufacturing cheese or butter, shall have power to raise money by mortgage upon the real and personal property of the association.

Mortgages, how to be executed.

2. Every such mortgage shall be valid and binding upon the association to the extent of the interest conveyed thereby, and the covenants on the part of the said association therein contained, according to the true intent of the meaning thereof, when signed by the president and treasurer of the association, with the corporate seal of the association affixed thereto.

Mortgage to be approved by shareholders.

3. No such mortgage shall be given or shall be binding upon the association until the same has been approved by the vote of a majority in value of the shareholders in the association, to be given by by-law passed at a special meeting of the association duly called for that purpose.

No. 175.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the relief of Cheese and Butter Manufacturing Associations.

First Reading, 29th March, 1895.

Mr. CLELAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 176.] BILL. [1895.

An Act to amend The Act respecting Double Tracks in Snow Roads.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Act respecting Double Tracks in Snow Roads* is amended by adding after the word "made" in the third line thereof the words following: "and such portions of any county roads within such municipalities as the county council may determine. Rev. Stat. c. 197, s. 5, amended.

No. 176.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Act respecting Double Tracks in Snow Roads.

First Reading, 29th March, 1895.

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 177.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7*a* of *The Consolidated Assessment Act 1892*, is amended by adding the following as sub-section 3*a* :— 55 V. c. 48, s. 7*a*, amended.

3*a*. When any person has claimed such exemption and it has been allowed, it shall not be necessary to repeat such claim for at least five years. Exemption to stand for five years.

No. 177.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 1st April, 1895.

Mr. FIELD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 178.] **BILL.** [1895.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Persons executing discharge of mortgage under power of attorney to register same.

1. Where a certificate of discharge of mortgage purports to be executed under a power of attorney from the mortgagee or of the assignee of such mortgagee, or from the executor or administrator or such mortgagee or assignee, the person purporting to act under such power of attorney shall cause such power of attorney to be registered, at his own expense, in the registry division in which the mortgaged lands lie, unless the same has been previously registered.

Executor, etc., to register letters probate under which he executes discharge.

2. Where an executor or administrator of a mortgagee or assignee of a mortgage executes a certificate of discharge, such executor or administrator shall cause probate of the will or letters of administration to be registered, at his own expense, in the registry division in which the mortgaged lands lie, unless such letters probate of the will or letters of administration, as the case may be, have been already registered in such registry office.

Mortgagee to prepare and register discharge at his own expense.

3. Upon the payment of any mortgage it shall be incumbent upon the mortgagee, or assignee of such mortgage, at his own expense, to execute a certificate of discharge thereof and register the same in the registry division in which the mortgaged lands lie, and in case of his neglecting to execute or register the same he shall be liable for all loss, damage or expense incurred in consequence of such neglect in perfecting the title to said lands.

No. 178.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Registry Act.

First Reading, 1st April, 1895.

Mr. McDONALD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 179.] BILL. [1895.

An Act to amend the Act for the further Protection of Bees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the 55th year of Her Majesty's reign, chapter 19, intituled *An Act for the further Protection of Bees*, is amended by striking out the words "full bloom" in the second line of the said section, and inserting the word "blossom" in lieu thereof. 55 V. c. 19, s. 1 amended.

No. 179.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the Act for the further Protection of Bees.

First Reading, 1st April, 1895.

Mr. CURRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 180.] **BILL.** [1895.

An Act to make provision for Temporary Vacancies in Public Offices.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Where vacancies occur in office of sheriff or registrar and there is no deputy, county attorney to act.

1. In the case of the death, resignation or removal of a sheriff, if there be at the time no deputy sheriff, or in the case of the death, resignation or removal of a registrar, if there be at the time no deputy registrar, the county or district attorney for the county or district, as the case may be, shall *ex-officio* be the sheriff *pro tempore* or registrar *pro tempore*, as the case may be, until another person is appointed sheriff or registrar as the case may be, and the county or district attorney on becoming sheriff *pro tempore* or registrar *pro tempore* may appoint a deputy sheriff or deputy registrar, and shall do and perform every other act, matter or thing necessary for the execution of the office which shall go to him as hereinbefore provided.

Temporary officer to be responsible.

2. The sheriff *pro tempore* or registrar *pro tempore* shall be answerable for the execution of the office in all respects and to all intents and purposes whatsoever, during such interval as the sheriff so dying, resigning or having been removed, would by law have been if he had been living or continuing in office, and any security hereafter given by a sheriff or registrar so afterwards dying, resigning or being removed as aforesaid shall be a security to the Queen, her heirs and successors, and to all persons whatsoever, for the due and faithful performance of the duties of his office by the sheriff *pro tempore* or registrar *pro tempore*, as the case may be. R. S. O., c. 16, ss. 45; R. S. O., c. 114, s. 17.

No. 180.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to make provision for Temporary Vacancies in Public Offices.

First Reading, 1st April, 1895.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 181. **BILL.** [1895.

An Act to amend the Ontario Game Protection Act 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 49, s. 2, amended.

1. Section 2 of *The Ontario Game Pretection Act 1893*, is amended by striking out the words "twentieth day of October" wherever they occur in the said section and inserting the words "first day of November" in lieu thereof, and by striking out the year "1895" wherever the same occurs in the sub-section of the said section and inserting in lieu thereof "1900."

56 V. c. 49, s. 6, amended.

2. Section 6 of the said Act is amended by adding thereto the following sub-section:—

Persons licensed may export two deer.

"(2) But any person not a resident and domiciled in the Province who has for any year been granted a license under the provisions of section 14 of this Act and paid the fee therefor, shall so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province the two deer which under the provisions of this Act he is allowed to kill."

56 V. c. 49, s. 4, sub-s. 2, amended.

3. Sub-section 2 of section 4 of the said Act is amended by striking out the words "half an hour after" in the second line thereof and the words "half an hour before" in the third line thereof.

56 V. c. 49, s. 12, sub-s. 2, amended.

4. Sub-section 2 of section 12 of the said Act is amended by inserting after the words "this section" in the second line thereof the words, "and the commissioners appointed under the provisions of section 11."

56 V. c. 49, s. 12, sub-s. 3, amended.

5. Sub-section 3 of the said section 12 is amended by inserting after the word "wardens" in the first line thereof, the words "and the said commissioners" and by inserting the words "or commissioners" after the word "wardens" in the second line of the form of oath given in the said last mentioned sub-section, and by inserting the words "or commissioner" after the words "or game and fish warden" in the 6th line of the said form of oath.

56 V. c. 49, s. 12, amended.

6. The said section 12 is amended by adding thereto the following sub-section :—

Duputy game wardens to be constables.

"(4) Persons duly appointed deputy game wardens under the provisions of this section shall be, and exercise the authority of constables for the purposes of this Act."

No. 181.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ontario Game Protection Act 1893.

First Reading, 1st April, 1895.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 181. BILL. [1895.

An Act to amend the Ontario Game Protection Act 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 49, s. 2, amended.

1. Section 2 of *The Ontario Game Pretection Act 1893*, is amended by striking out the words "twentieth day of October" wherever they occur in the said section and inserting the words "first day of November" in lieu thereof, and by striking out the year "1895" wherever the same occurs in the sub-section of the said section and inserting in lieu thereof "1900."

56 V. c. 49, s. 6, amended.

2. Section 6 of the said Act is amended by adding thereto the following sub-section:—

Persons licensed may export two deer.

"(2) But any person not a resident and domiciled in the Province who has for any year been granted a license under the provisions of section 14 of this Act and paid the fee therefor, shall so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province the two deer which under the provisions of this Act he is allowed to kill."

56 V. c. 49, s. 4, sub-s. 2, amended.

3 Sub-section 2 of section 4 of the said Act is amended by striking out the words "half an hour after" in the second line thereof and the words "half an hour before" in the third line thereof.

56 V. c. 49, s. 12, sub-s. 2, amended.

4. Sub-section 2 of section 12 of the said Act is amended by inserting after the words "this section" in the second line thereof the words, "and the commissioners appointed under the provisions of section 11."

56 V. c. 49, s. 12, sub-s. 3, amended.

5. Sub-section 3 of the said section 12 is amended by inserting after the word "wardens" in the first line thereof, the words "and the said commissioners" and by inserting the words "or commissioners" after the word "wardens" in the second line of the form of oath given in the said last mentioned sub-section,

and by inserting the words " or commissioner " after the words "or game and fish warden " in the 6th line of the said form of oath.

56 V. c. 49, s. 12, amended.

6. The said section 12 is amended by adding thereto the following sub-section :—

Duputy game wardens to be constables.

"(4) Persons duly appointed deputy game wardens under the provisions of this section shall be, and exercise the authority of constables for the purposes of this Act."

56 V. c. 49, sec. 3, sub-s. 3 repealed.

7. Sub-section 3 of section 3 of *The Ontario Game Protection Act, 1893*, is repealed.

57 V. c. 57, s. 3, amended.

8. Section 3 of *An Act to amend the Ontario Game Protection Act, 1893*, being chapter 57 of the Statutes of Ontario *for* 1894, is hereby amended by striking out all the words after the word " believe " in the last line thereof and inserting in the place thereof the following words : " Had been theretofore put, bred or imported by some other person upon his own lands with the desire to breed and preserve the same."

9.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever within the boundaries of the Rondeau Provincial Park ; nor shall anyone shoot, hunt, trap, take or kill any wild animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious animals or birds, and then only with the consent and authority of the ranger of the said park in writing first had and obtained. Anyone offending against the provisions of this section shall be liable for each offence to a fine not exceeding $50 and not less than $20, together with costs of prosecution to be recoverable in the same manner as under section 21 of *The Ontario Game Protection Act.*

(2) This section shall not prevent or apply to the shooting or taking wild duck or geese in the waters around and along the coasts of the said park during the lawful season.

10. This Act shall be read with and as part of *The Ontario Game Protection Act, 1893.*

No. 181.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ontario Game Protection Act 1893.

First Reading, 1st April, 1895.
Second Reading, 4th April, 1895.

(*Reprinted as amended in Committee of the Whole.*)

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 182.] **BILL.** [1895.

An Act respecting the Chartering of Trust Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Trusts Companies' Act, 1895.* Short title.

2. No company shall hereafter be incorporated, or otherwise authorized, by letters patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or of committee of a lunatic's estate, and no letters patent shall be granted to any company heretofore incorporated conferring any such powers upon such company, without in either case such company having complied with the provisions of this Act, in addition to what is required in other cases by *The Ontario Joint Stock Companies' Letters Patent Act.* R. S. O., c. 175. Companies to which Act applies. Rev. Stat. c. 157.

3. At the time of the issuing of the letters patent to any such company, and always thereafter, at least three-fourths of the stock of the company, exclusive of the stock held by companies, must be held by persons and all residents of this Province. N. Y. Act. Three-fourths of stock to be held by residents of Ontario.

4. Within three days after the notice for the letters patent first appears in the *Ontario Gazette* a copy thereof shall be served on every trust company theretofore incorporated by Act of the Legislature or by letters patent. R. S. O., c. 157, sec. 11; N. Y. Act, sec. 4. Notice of application to be served on other trust companies.

5. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. *See* N. Y. Act, sec. 20. Companies not to act as guardians or committees.

6. The capital stock of the company shall be at least $, paid up before the letters patent issue. N. Y. Act, secs. 12 and 19. Capital stock.

Report on fitness of applicants for incorporation.

7. When application is made for letters patent incorporating a company or granting a company any of the said powers the applicants shall satisfy the Provincial Secretary, or any other member of the Executive Council to whom by order in council the duty may be assigned and transferred, or shall satisfy such officer as may be charged with the duty by the Lieutenant-Governor in Council, respecting the fitness of the applicants for the discharge of the duties appertaining to such trust, and that the same is such as to command the confidence of the public, and also that the public convenience and advantage would be promoted by granting to the proposed company the powers aforesaid; and the minister or officer aforesaid shall report on the said particulars to the Lieutenant-Governor-in-Council for the consideration of the Lieutenant-Governor-in-Council. R.S.O., c. 157, secs. 73 and 74; New York Revised Acts, c. 546, sec. 7.

Fitness of applicants to act as trust company.

8. The letters patent shall not issue unless the Lieutenant-Governor in Council is in like manner satisfied that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for.

Powers of trust companies.

9. Any trust company to which this Act applies may, subject to the conditions and provisions of this Act and the aforesaid Letters Patent Act, have granted to such company by letters patent the powers mentioned in the schedule hereto, or such of them as the Lieutenant-Governor-in-Council sees fit. 35 V. c. 83.

Act incorporated with Rev. Stat. c. 157.

10. This Act shall be read as part of the said Letters Patent Act.

SCHEDULE A.

Powers which may be given to Trust Companies. See section 9.

To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to them with their consent, upon any trust or trusts whatsoever (not contrary to law) at any time or times, by any person or persons, body or bodies corporate, or by any court of the Province of Ontario;

To take and receive on deposit, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures, or other valuable papers

or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same;

To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money;

The act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association, or corporation, municipal or other;

To receive, invest and manage any sinking fund therefor on such terms as may be agreed upon;

To accept and execute the offices of executor, administrator, trustee, receiver, assignee, or of trustee for the benefit of creditors under any Act of the Legislature of the Province of Ontario; and of guardian of any minor's estate or committee of any lunatic's estate; to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations;

To guarantee any investments made by them as agents or otherwise;

To sell, pledge or mortgage any mortgage or other security or any other real or personal property held by the company from time to time, and to make and execute all requisite conveyances and assurances in respect thereof;

To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said company, and to promote the objects and business of the said company;

And for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses.

No. 182.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting the Chartering of Trust Companies.

First Reading, 1st April, 1895.

The ATTORNEY-GENERAL.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 183.] **BILL.** [1895.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Assessment Act of 1892* is hereby amended by adding thereto the following sections :— 55 V. c. 48, amended.

"216*a*. It shall not be necessary to procure the assent of the ratepayers before the passing of the by-law authorized by section 215. Assent of ratepayers not required to by-laws for issuing debentures on non-resident land fund.

"216*b*. The council may by by-law direct that all moneys received by the county treasurer from the proceeds of the sale of such debentures shall be paid in such manner and at such times, as may be directed by such by-law to such municipality or municipalities, as to the council may seem proper, provided that the whole sum, ordered by such by-law to be paid to any such municipality, shall not exceed two-thirds of all arrears, at the date of the passing of such by-law, due and accruing upon the lands in such municipality, together with such other sums as may be in the county treasurer's hands, or otherwise invested to the credit of the said fund received from and on account of the taxes due upon the lands in such municipality. Application of proceeds of debentures issued on credit of non-resident land fund.

"216*c*. The treasurer shall pay the proceeds of the sale of said debentures to such municipality or municipalities within the county as may be directed by such by-law." Paying over proceeds of debentures.

No. 183.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Assessment Act.

First Reading, 1st April, 1895.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 184.] **BILL.** [1895.

An Act to amend The Ontario Joint Stock Companies' Letters Patent Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 157, amended.

1. *The Ontario Joint Stock Companies' Letters Patent Act*, Revised Statute of Ontario, chapter 157, is hereby amended by adding thereto the following section:—

Loans on unfinished buildings.

"80.—(1) No loan company incorporated under this Act, shall after the first day of July, 1895, advance any of its funds upon the security of mortgage upon dwelling houses in the course of erection, or intended to be erected or completed with such advances, and upon the site of such dwellings, unless such advance is collaterally secured by other lands or chattels of a value actually equal to the full amount of such advance.

Proviso.

"(2) Provided that nothing in this Act shall prevent advances by building or loan societies to members thereof for the construction, alteration or completion of a single house or semi-detached pair of houses, such houses or one of them being *bona fide*, intended for the actual use and occupation of such member.

Application of section.

"(3) The provisions of this section shall apply to insurance and other companies incorporated by Act of this Province after the said date, and shall be read as part of *The Act respecting Insurance Companies*, Revised Statutes of Ontario, chapter 167."

Revised Statutes of Ontario, chapter 168.
Revised Statutes of Ontario, chapter 169.
Revised Statutes of Ontario, chapter 182.

No. 184.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ontario Joint Stock Companies' Letters Patent Act.

First Reading, 1st April, 1895.

Mr. HOWLAND,

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 185.] BILL. [1895.

An Act to amend The Agricultural and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 74 of *The Agricultural and Arts Act* is repealed and the following substituted therefor: Rev. Stat. c. 39, s. 74, repealed.

74. The majority of the officers of electoral district and township agricultural societies shall be residents of the electoral district or township which such society represents, but the membership of any such society and any horticultural societies may extend to other electoral districts or municipalities. Place of residence of officers and members of societies.

No. 185.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to amend The Agricultural and Arts Act.

First Reading, 2nd April, 1895.

Mr. KERNS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 186.] **BILL.** [1895.

An Act to make further Provision for the Payment of Succession Duties in Certain Cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Succession Duty Act 1892*, is amended by striking out the words in the first four lines thereof, and substituting the following therefor: 55 V. c. 6, s. 4, amended.

"Save, as aforesaid, all property situate within this Province, whether the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or was domiciled elsewhere. Property liable to succession duty.

2. The said section is further amended by adding thereto the following sub-section: 55 V., c. 6, s. 4, amended.

(6) Provided that any portion of the estate of any deceased person, whether at the time of his death such person was domiciled in the Province of Ontario or was domiciled elsewhere, which is brought into the province by the executors or administrators of the estate to be administered or distributed in this Province, shall be liable to the duty hereinbefore imposed; but if any succession or legacy duty or tax has been paid upon such property elsewhere than in Ontario, and such duty or tax is equal to or greater than the duty payable on property in this Province, no duty shall be payable thereon in this Province; and if the duty or tax so paid elsewhere is less than the duty payable on property in this Province, then the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding sub-sections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere. Property brought into Ontario for distribution.

No. 186.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to make further Provision for the Payment of Succession Duties in Certain Cases.

First Reading, 2nd April, 1895.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 187.] **BILL.** [1895.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

66 V. c. 21, s. 64 amended.

1. Section 64 of *The Registry Act 1893*, is amended by adding thereto the following sub-section:

Registering instruments in foreign languages.

(2) Where an instrument is written in any language other than English, besides complying with the directions contained in the preceding sub-section, it shall be necessary to produce a translation into English of such instrument, together with an affidavit by the translator, stating that he understands both languages and has carefully compared the translation with the original instrument of which it purports to be a translation, and that the same is in all respects a true and correct translation of such original instrument.

Entries to be made when mortgage not registered in full.

2. In case a mortgage is not copied in full, the same shall be numbered as other instruments are required to be numbered in the proper registry book in its proper order, and the marginal note made as required by section 67 of the said Act, and on the discharge of such a mortgage being registered the registrar shall make the same entry in the margin of the registry book as in cases where the mortgage is copied at length and as provided by sub-section 1 of section 76. The registrar shall at the time of the registration of a mortgage not copied in full, enter opposite the number in the registry book the words "mortgage not copied in full" and shall also give the date and names of parties thereto.

Registering discharge of mortgage not registered in full.

3. A discharge of a mortgage which is not copied in full shall be in the form schedule L to *The Registry Act 1893*, or to the like effect, and the same shall on the registration thereof have the same force and effect as a discharge has under sub-section 1 of section 76 of the said Act.

Registration of discharge given by person other than the mortgagee.

4. Where the person entitled to receive the mortgage money and to discharge any registered mortgage is not the mortgagee, he shall at his own expense cause to be registered prior to the registration of the certificate of discharge the instruments or documents through which he claims interest in and

title to the mortgage moneys, and until such instruments or documents are registered the registrar shall not register such certificate of discharge.

Application to judge for order to register instruments authorizing discharge to be given.

5. In the event of the person whose duty it shall be under the preceding section to register such instruments or documents refusing or neglecting to register same within days after payment of the mortgage moneys to him, then, and in every such case, the person entitled to redeem the mortgage may on giving days' notice thereof in writing to the person so neglecting or refusing apply in a summary manner to any judge of the high court or to any local judge thereof in the county wherein the lands or any part thereof mentioned in the mortgage are situate for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge, register such instruments or documents at his own expense, and the judge upon being satisfied that the application is a proper one shall make the necessary order hereunder, either upon affidavits or *viva voce* evidence as he shall deem fit, and on being satisfied of the due service of the notice aforesaid may proceed to determine the matter in the absence of the person so neglecting or refusing as aforesaid, and in the event of such person disobeying such order, the judge shall have the same power to punish for contempt as in any case of disobedience to an order of the court directing any act to be performed by the person named therein. He shall also have power to award costs of the proceedings to obtain said order and incidental thereto and to the enforcement thereof, which costs shall be on the high court scale and shall be enforcable by execution issued on the certificate of one of the taxing masters at Toronto.

56 V. c. 21, s. 96, sub-s. 3, amended.

Registering discharge of mortgage where subdivision made before mortgage executed.

6. Sub-section 3 of section 96 of *The Registry Act 1893*, is amended by adding thereto the following words :

" Except where a mortgage has been registered prior to the filing of such plan of subdivision then any discharge, final order or foreclosure or conveyance under the power contained in the said mortgage shall be registered against the lands as described in said mortgage."

56 V. c. 21, s. 111, sub-s. 2, amended.

Search to ascertain persons interested in lands divided subsequently to registration of mortgage.

7. Sub section 2 of section 111 of the said Act is hereby amended by adding thereto the following :

" Where subsequent to the registration of a mortgage the lands in such mortgage have been subdivided by a plan and searches are made for the purpose of ascertaining subsequent grantees or encumbrances in sale, foreclosure or other proceedings under such mortgage, the person searching or producing a statutory declaration that the searches are being made for the purposes aforesaid shall be entitled to make such searches on all the lots in the subdivision on payment of a fee of ten cents for each lot, but so that the whole fee for searches shall not exceed $2."

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Registry Act.

First Reading, 2nd April, 1895.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 187.] **BILL.** [1895.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

66 V. c. 21, s. 64 amended.

1. Section 64 of *The Registry Act, 1893*, is amended by adding thereto the following sub-section:

Registering instruments in foreign languages.

(2) Where an instrument is written in any language other than English, besides complying with the directions contained in the preceding sub-section, it shall be necessary to produce a translation into English of such instrument, together with an affidavit by the translator, stating that he understands both languages and has carefully compared the translation with the original instrument of which it purports to be a translation, and that the same is in all respects a true and correct translation of such original instrument.

Entries to be made when mortgage not registered in full.

2. In case a mortgage is not copied in full, the same shall be numbered as other instruments are required to be numbered in the proper registry book in its proper order, and the marginal note made as required by section 67 of the said Act, and on the discharge of such a mortgage being registered the registrar shall make the same entry in the margin of the registry book as in cases where the mortgage is copied at length and as provided by sub-section 1 of section 76. The registrar shall at the time of the registration of a mortgage not copied in full, enter opposite the number in the registry book the words "mortgage not copied in full" and shall also give the date and names of parties thereto.

Registering discharge of mortgage not registered in full.

3. A discharge of a mortgage which is not copied in full shall be in the form schedule L to *The Registry Act, 1893*, or to the like effect, and the same shall on the registration thereof have the same force and effect as a discharge has under sub-section 1 of section 76 of the said Act.

Registration of discharge given by person other than the mortgagee.

4. Where the person entitled to receive the mortgage money and to discharge any registered mortgage is not the mortgagee, he shall at his own expense cause to be registered prior to the registration of the certificate of discharge the instruments or documents through which he claims interest in and

title to the mortgage moneys, and until such instruments or documents are registered the registrar shall not register such certificate of discharge.

Application to judge for order to register instruments authorizing discharge to be given.

5. In the event of the person whose duty it shall be under the preceding section to register such instruments or documents refusing or neglecting to register same within *fifteen* days after payment of the mortgage moneys to him, then, and in every such case, the person entitled to redeem the mortgage may on giving *ten* days' notice thereof in writing to the person so neglecting or refusing apply in a summary manner to any judge of the high court or to any local judge thereof in the county wherein the lands or any part thereof mentioned in the mortgage are situate for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge, register such instruments or documents at his own expense, and the judge upon being satisfied that the application is a proper one shall make the necessary order hereunder, either upon affidavits or *viva voce* evidence as he shall deem fit, and on being satisfied of the due service of the notice aforesaid may proceed to determine the matter in the absence of the person so neglecting or refusing as aforesaid, and in the event of such person disobeying such order, the judge shall have the same power to punish for contempt as in any case of disobedience to an order of the court directing any act to be performed by the person named therein. He shall also have power to award costs of the proceedings to obtain said order and incidental thereto and to the enforcement thereof, which costs shall be on the high court scale and shall be enforceable by execution issued on the certificate of one of the taxing masters at Toronto. The notice to be given as provided by this section shall be required to be given under this section of *The Registry Act, 1893*.

56 V. c. 21, s. 96, sub-s. 3, amended.

6. Sub-section 3 of section 96 of *The Registry Act, 1893*, is amended by adding thereto the following words :

Registering discharge of mortgage where subdivision made before mortgage executed.

" Except where a mortgage has been registered prior to the filing of such plan of subdivision then any discharge, final order or foreclosure or conveyance under the power contained in the said mortgage shall be registered against the lands as described in said mortgage."

56 V. c. 21, s. 111, sub-s. 2, amended.

7. Sub section 2 of section 111 of the said Act is hereby amended by adding thereto the following :

Search to ascertain persons interested in lands divided subsequently to registration of mortgage.

" Where subsequent to the registration of a mortgage the lands in such mortgage have been subdivided by a plan and searches are made for the purpose of ascertaining subsequent grantees or encumbrances in sale, foreclosure or other proceedings under such mortgage, the person searching or producing a statutory declaration that the searches are being made for the purposes aforesaid shall be entitled to make such searches

on all the lots in the subdivision on payment of a fee of ten cents for each lot, but so that the whole fee for searches shall not exceed $2."

8. Whereas doubts have been expressed as to the true intent and meaning of sec. 1, cap. 35, passed in the 57th year of the reign of Her Majesty, and it is desirable to remove said doubts and to declare the meaning and effect of said section;

Therefore be it enacted, that the true intent and meaning of sec. 1, cap. 35 aforesaid, were and are that registration under the said section has the same effect and consequences as and is equivalent to a registration under sections 61 and 93 of *The Registry Act, 1893*, and all other sections thereof relating to the registering of instruments which are registered at full length, and that in cases where a mortgage is not copied in full the mortgagee and those claiming through or under him shall be entitled to all the benefits and advantages, and to all the legal and equitable rights which would accrue to him or them had the mortgage been registered at full length under *The Registry Act, 1893*. This section shall apply to all registered mortgages not copied in full, whether registered before or after the passing of this Act.

No. 187.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Registry Act.

First Reading, 2nd April, 1895.
Second Reading, 8th April, 1895.

(Reprinted as amended in Committee of the Whole House.)

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 188.] BILL. [1895.

An Act to amend The Bills of Sale and Chattel Mortgage Act, 1894.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 19 of *The Bills of Sale and Chattel Mortgage Act 1894*, is amended by adding thereto the following sub-section :— 57 V. c. 57, s. 19, amended.

(5) Notwithstanding anything to the contrary in this Act contained, it shall not be necessary to renew any such mortgage or conveyance where the by-law authorizing the issue of the debentures as a security for which the conveyance or mortgage was made is registered in accordance with the provisions of *The Debentures Registration Act* and a copy of such by-law duly certified by the registrar under his hand and seal is attached to and registered with the said mortgage or conveyance, but such mortgage or conveyance shall in such case continue to be valid as if the same had been duly renewed as in this Act provided. Renewal of mortgages given to secure debentures of companies.

No. 188.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Bills of Sale and Chattel Mortgage Act 1894.

First Reading, 2nd April, 1895.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 189]. BILL. [1895.

An Act respecting Veterinary Surgeons.

(Containing part of section 34, chap. 39, R. S. O., 1887)

Present Veterinary College continued.

1. The present Veterinary College, established by the Agriculture and Arts Association, is hereby continued for the instruction and examination of pupils in anatomy, physiology, materia medica, therapeutics, chemistry, and as to the breeding of domesticated animals, and may exercise such powers as have been delegated to said College by the said Agriculture and Arts Association.

President of Association to sign diplomas until 1st April, 1896.

2. The present president of the Agriculture and Arts Association is hereby declared to be president of the said Association from the first day of January, 1896, until the first day of April of the same year for the purpose of signing the diplomas of all such pupils as are recommended by the examiners appointed under sub-section 1 of section 34 of *The Agriculture and Arts Act*, as being competent to practise as veterinary surgeons.

Veterinary practitioners.

3. Veterinary practitioners holding the diplomas of the Agriculture and Arts Association shall be entitled to professional fees in attending any court of law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized veterinary college, within or without this province, shall append to his name the term veterinary surgeon, or an abbreviation thereof.

Penalty on wrongfully assuming title of veterinary surgeon.

4. Any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he is, or is recognized by law as a veterinary surgeon, within the meaning of the foregoing section of this Act, or that he possesses a diploma or proper certificate from some duly authorized veterinary college within or without the province, shall, upon summary conviction before any justice of the peace, pay a penalty not exceeding $100, and not less than $25.

Prosecutions.

5. All prosecutions under this Act may be brought and heard before and by any justice of the peace having jurisdiction in the locality where the offence is alleged to have been committed, and such justice shall have power to award payment of costs in addition to the penalty; and, in case the penalty and costs awarded by him are not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs are sooner paid.

Application of penalties.

6. All penalties recovered under this section shall be paid to the convicting justice, and be paid by him to the treasurer of the Ontario Veterinary Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such.

Security to be given on appeals.

7. Any person convicted under this Act who gives notice of appeal against the decision of the convicting justice shall, before being released from custody, give to the said justice satisfactory security for the amount of the penalty and costs of conviction and appeal.

Any one may prosecute within one year.

8. Any person may be prosecutor or complainant under this section, and every prosecution thereunder shall be commenced within one year from the date of the alleged offence.

No. 189.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Veterinary Surgeons.

First Reading, 4th April, 1895.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 190.] **BILL.** [1895.

An Act respecting The Insurance Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation: construction generally.

1.—(1) This Act shall be read and construed as one with *The Insurance Corporations Act 1892*, hereinafter called the "Principal" Act, and with the Act passed in the 56th year of Her Majesty's reign and chaptered 32, and with the Act passed in 57th year of Her Majesty's reign and chaptered 48.

Particular words and phrases: "contributory."

(2) "Contributory" has the same meaning and application as in sub-sections 2 and 3 of section 3 of chapter 183, of the Revised Statutes of Ontario, 1887, of which last mentioned chapter sections 14, 16, 17 and 18 shall as far as practicable and as is consistent with the provisions hereof apply to any winding up under this Act, the word "receiver" being deemed for purposes hereof to be substituted in the said sections for the word "liquidator" or "liquidators" wherever either of these latter words occur.

"Estate."

(3) "Estate" includes estate and effects.

"Creditor."

(4) "Creditor" includes every person entitled to claim under a matured policy or under a policy having a fixed surrender value; and, in the case of a corporation required by law or departmental regulation to maintain an ascertained or ascertainable reserve to meet its actuarial liabilities under unmatured policies, "creditor" also includes any person holding or entitled to claim under such an unmatured policy.

"Policy."

(5) "Policy" includes any contract of insurance within the meaning of the principal Act.

"Account."

(6) "Account" includes bill of costs. Eng. Orders, Order 65, R. 26; Snow's An. Prac., 1895, p. 1152.

"Receiver."

(7) "Receiver" includes interim receiver.

"Organization" in V. c. 48, s. 2 (1).

(8) Sub-section 1 of section 2 of an Act passed in the 57th year of Her Majesty's reign and chaptered 48, is amended by inserting in the 5th line before the word "organization" these words, "trade or labor."

Interpretation clause of principal Act amended.

2. Section 2 of the principal Act is hereby amended as follows:—

55 V. c. 39, s. 2 (4) amended.

(1) Sub-section 4 of the said section 2 is amended by inserting after the word "shall" in the 15th line these words: "both as to the corporation and as to the person acting or purporting to act in its behalf."

Sec. 2 (6) amended.

(2) Sub-section 6 of the said section is amended by inserting in the first line before the words "registered corporation" the following words: "'registry' includes extension or renewal of registry and."

Sec. 2 (13) amended.

(3) Sub-section 13 of the said section is amended by adding at the end thereof the following words: "and also includes any continuously existent body legally entitled to sue and be sued in the name of any officer thereof, or of a public officer, which undertakes or offers to undertake such contract."

Sec. 2 further amended.

(4) The said section 2 is further amended by inserting after sub-section 23, sub-section 24, as follows:

"Appeal."

(24) "Appeal" includes every judicial revision or review of a judgment, decision, order, direction, determination, finding, or conviction, and also includes every case stated, and every removal of proceedings by way of certiorari or otherwise.

55 V. c. 39, s. 4 (1) amended.

3.—(1) Sub-section 1 of section 4 of the principal Act is hereby amended by striking out in the 9th and 10th lines the words "under either section 38 or 39" and substituting these words, "either under section 38 before the passing hereof, or issued upon the security of a substantial deposit under section 39." And the said sub-section is further amended by inserting in the 9th line after the word "Canada," these words, "or issued under other provision thereof upon such security."

Sec. 4 (2) amended.

(2) Sub-section 2 of the said section 4 is amended by striking out in the 30th and 31st lines the words, "in the office where the original declaration was filed," and by substituting therefor these words, "in the office of the Provincial Registrar."

Sec. 6 (1) (2) amended.

(3) Sub-section 1 of section 6 is hereby amended by striking out in the 1st, 2nd and 3rd lines thereof the words "shall upon due application, and upon proof of such license subsisting be entitled to" and substituting these words "may upon due application and upon proof of such license subsisting."

Sub-section 2 of section 6 is amended by striking out in the 3rd line the words "under or by virtue of sections 38 or 39" and substituting these words "prior to the passing of this Act under or by virtue of section 38, or issued upon the security of a substantial deposit under section 39."

And the said sub-section is further amended by inserting after the word "Canada" in the fourth line these words "or issued under other provision thereof upon such security."

(4) Sub-section 2 of section 7 is hereby amended by adding at the end thereof these words "and the Inspector shall have the same power to summon officers of corporations, receivers and liquidators, and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any court has in civil cases." R. S. O., 1887, c. 250, s. 11. Sec. 7 (2) amended.

(5) Sub-section 2 of section 8 is amended by inserting in the 15th line after the word "corporation" these words "or the executive board thereof (by whatever name known)." Sec. 8 (2) amended.

(6) Sub-section 3 of the said section 8 as added by sub-section 6 of section 10 of the Act passed in the 56th year of Her Majesty, and chaptered 32, is hereby amended by striking out in the 7th and 8th lines the words "the presiding officer." Sec. 8 (3) amended.

4. The principal Act is hereby further amended by inserting after section 8 section 8*a* as follows:— 55 V. 37, further amended.

Sec. 8*a*

8*a*.—(1) Any revision of or amendment to the rules of a corporation directed in terms of the principal Act or any amending Act by the Registry Officer to be made, and made accordingly or purporting to be so made, and certified by the registry officer as conformable to his direction or as assented to by him when assent in writing suffices without direction, shall so certified be transferred to the office of the Provincial Registrar, there to be filed and indexed, and the rules so certified shall, notwithstanding the declaration or other instrument filed under any general or special Act, be final and conclusive evidence of the rules in force on, from and after the date of the said certificate until any subsequent revision or amendment in like manner certified and filed, and so from time to time; and until so revised or amended and the revision or amendment is so certified, the said rules shall be binding and obligatory upon all members of the corporation.

(2) Where at any time doubt arises as to what are the subsisting rules of the corporation, the Registry Officer may hear and determine the question, and his certificate filed as in the next preceding sub-section shall have the same effect as therein enacted.

5 The principal Act is further amended as follows:— 55 V. c. 39, s. 9 (2) amended.

(1) Sub-section 2 of section 9 is amended by striking out in the 5th and 6th lines the words "shall upon due application for registry under this Act be entitled to" and by substituting these words "may upon due application for registry under this Act."

Sec. 11 (2) amended.

(2) Sub-section 2 of section 11 is amended by adding at the end thereof these words, "and the Registrar shall have the same power to summon officers of corporations or receivers and liquidators and other persons to attend as witnesses, to enforce their attendance and compel them to produce books and documents and to give evidence as any court has in civil cases. R. S. C., c. 250, s. 11.

Sec. 18 (1) amended.

(3) Sub-section 1 of section 18 is amended by striking out in the 5th line the words "of his finding" and inserting in lieu thereof these words "of the commencement of registry;" also in the 8th line by striking out the word "finding" and inserting in lieu thereof the word "commencement."

Sec. 19 (1) amended.

(4) Sub-section 1 of section 19 is amended by striking out in the 8th line the words "shall be entitled" and substituting these words "may be admitted."

Sec. 22 (2) amended.

(5) Sub section 2 of section 22 is amended by adding at the end thereof these words, "except by the consent, comity or acquiescence of the province or state where such contracts of insurance are undertaken." *Clark* v. *Union Ins. Co.*, 10 P. R. 313.

Sec. 24 (1*a*.) inserted.

(6) After sub-section 1 of section 24 the following sub-section is inserted as sub-section 1*a*:—

"(1*a*) The head office of a corporation may be changed upon the like procedure."

Sec. 24 (2) amended.

(7) Sub-section 2 of section 24 is amended by inserting after the word "name" in the first line and in the second line respectively these words, "or head office."

Sec. 26 amended.

(8) Section 26 is amended by inserting after sub-section 8 sub-sections 9 and 10 as follows:

"(9) In the case of any document by this Act or by any of the Acts mentioned in section 1 hereof, required to be filed in the office of the Provincial Registrar, a certificate of filing shall be *prima facie* evidence of the filing if signed or purporting to be signed by the Deputy or Assistant Provincial Registrar, or by the acting deputy or assistant.

"(10) The books, accounts and documents of the corporation, and entries in the books of its officers or receiver or liquidator, are *prima facie* evidence of the matters to which the entries relate as against the corporation, or any of its branches, or as between any of the branches, or their members, or as between contributories or alleged contributories.

[Imp. Cos. Act 1862 (25-26 Vict., c. 89) s. 154; R. S. C., c. 129 s. 53; *re* Branksea Island Co., 1 Megone's Eng. Corp. Ca. at 21-22.]"

(9) Sub-section 1 of section 27 is amended by inserting in the fourth line after the word "authorized" these words, "by law and." Sec. 27 (1)-(4) amended.

(2) Also sub-section 4 of the same section is amended by adding these words at the end thereof: "and the appeal shall be to the same court as if the proceedings were removed by certiorari."

(10) Section 29 is amended by adding thereto sub-sections 3 and 4 as follows:— Sec. 29 amended.

(3) No insurance corporation, or branch or lodge thereof, shall contract with any of its auditors, trustees, directors, or executive officers for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby absolutely prohibited. R. S. O., 1887, c. 167, s. 96. Loans to and from directors, etc., forbidden.

(4) Where, in any insurance corporation or branch or lodge thereof, the trustees, directors or the executive or managing board (by whatever name known) or the executive or managing committee make such an investment of any of the corporation's money as is not authorized by law, or where the board or committee lend any of the corporation's money, or transfer the beneficial ownership in any of the corporation's property or assets to any member of the board or committee or to any auditor, trustee, director, or executive officer of the corporation, all the members of the board or committee (as the case may be) who voted in favor of or assented to the said investment or loan or transfer shall as for a breach of trust be personally liable jointly and severally to repay or restore (as may be directed) the money, property or assets so invested or loaned or transferred, together with interest, and also with rests, if the Court shall so determine. Actions may at any time be brought by any member of the corporation in the name of himself and his fellow members generally without designating his fellow-members individually; and all trustees, directors or members of the board or committee may be made defendants, and the proof shall be on any such defendant that he did not vote for or assent to the said investment, loan or transfer. If in the opinion of the court the plaintiff has proved the investment or loan or transfer illegal he shall be entitled to his costs out of the funds of the corporation; and the corporation, or the receiver or estate thereof, shall have the right to recover over against the defendants personally or from such of them as the Court may determine. Cf. *English Directors' Liability Act* and *Ontario Directors' Liability Act, 1891.* Action to recover money illegally invested or loaned.

Secs. 30, 31 amended.

(10) Sections 30 and 31 are hereby amended by striking out the word "Registrar" wherever it occurs and by substituting therefor the words "Registry Officer"; also by striking out the term "registered society" or "society" wherever it occurs and substituting therefor the words "corporation or branch or lodge of the corporation"; and sub-section 6 of section 30 is further amended by striking out in the fourth line the word "and" and inserting the word "or" in lieu thereof.

Sec. 33 (1) amended.

Sub-section 1 of section 33 is amended by adding after the word "beneficiary," in the tenth line, the following words :—

"But nothing herein contained shall exclude the proposal or application of the assured from being considered with the contract, and the court shall determine how far the insurer was induced to enter into the contract by any material misrepresentation contained in the said application or proposal."

Sec. 34 (1) amended.

(11) Sub-section 1 of section 34 is amended by adding at the end of the sub-section the following proviso :—

"Provided also that where the application for, and contract of, insurance expressly limit the insurable age and where the actual age of the applicant for insurance at the date of his application exceeds the age so limited this sub-section shall not apply; but in such case the contract shall be voidable at the discretion of the insurer within thirty days after the error in age comes to the knowledge of the insurer."

McGeachie *v.* N. A. Life, 23 S.C.R., 148, affirming 20 A.R., 187.

Frank *v.* Sun Life Ins. Co'y., 23 S.C.R., 152.

Section 35 (3) amended.

(12) Sub-section 3 of section 35 is amended by striking out in the 6th, 7th, 8th and 9th lines respectively, the figures "25, 30, 35 and 40," and by substituting therefore the figures "32, 40, 48 and 56" respectively.

55 V. c. 39, s. 38 (5) amended.

6. The principal Act is hereby further amended as follows :—

(1) In sub-section 5 of section 38 in the 6th line, the words "his finding" are struck out and the words "the commencement of registry" are inserted in lieu thereof; also in the 9th line the word "finding" is struck out and the word "commencement" is inserted in lieu thereof.

Sec. 38 (6) amended.

(2) Sub-section 6 of the said section 38 is amended by striking out in the third and fourth lines the words "a Canadian" and by inserting these words "an Ontario" in lieu thereof.

Sec. 38 (9) repealed.

(3) Sub-section 9 of the said section 38 is hereby repealed.

(4) Sub-section 11 of section 38 is amended by striking out all the words of the sub-section as far as and including the words "then to" in the 5th line, and by substituting therefor the following words:— Sec. 38 (11) amended.

"If any registered agent is convicted on an offence against this Act or of any indictable offence punishable by a term of imprisonment exceeding two years, the Registry Officer upon proof of such conviction shall revoke, or pending an appeal from the conviction may suspend, and if the conviction is affirmed on appeal, then he shall."

(5) Sub-section 1 of section 39 is amended by adding at the end of the said sub-section the following proviso:— Sec. 39 (1) amended.

"Provided that the society with the assent in writing of the Registrar of Friendly Societies may from time to time make other provision by its rules for the absolute severance of a member and the determination of his liability; and such other rules, together with the written assent, shall be transferred to the office of the Provincial Registrar, there to be filed and indexed; and on, from and after the day of the said assent, the said rules shall be binding and obligatory upon all the members until superseded by other provision in like manner filed."

"Provided also that in no case shall the period over which the said assessment fees and dues extend exceed twelve months."

(6) Sub-section 1 of section 44 is amended by striking out in the 7th line the word "society's" and inserting in lieu thereof the word "corporation's." Sec. 44 (1) amended.

(7) Sub-section 2 of section 44 is amended by striking out in the 5th line the word "Registrar" and inserting in lieu thereof the words "Registry Officer." Sec. 44 (2) amended.

(8) Section 45 is amended by striking out in the first line the word "Registrar" and inserting in lieu thereof the words "Registry Officer"; also by substituting for the words "friendly society" or "society" and "society's" wherever they occur, the word "corporation" and "corporation's" respectively. Sec. 45 amended.

(9) Sub-section 2 of section 51 as amended by section 10 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is hereby amended by substituting therein the words "one month" for "two months" and the words "two months" for "three months." Sec. 51 (2) amended.

(10) Sub-section 2 of section 52 is amended by adding at the end thereof the following words:— Sec. 52 (2) amended.

"Provided that where the corporation is not constituted exclusively or chiefly for insurance purposes, and the insurance branch and fund are completely

severable from every other branch and fund of the corporation then the word 'corporation' for purposes of sections 52 to 59, inclusive, means only the insurance branch of the corporation."

The said section 52 is further amended by adding thereto sub-sections 3 4, 5 and 6 as follows:—

"(3) The winding up of any corporation under this Act shall be deemed to commence at the beginning of the day on which the corporation became unregistered in terms of section 53; and when the corporation is constituted for the transaction of insurance exclusively, its corporate powers shall *ipso facto* cease and determine except for the sole purpose of winding up its affairs. R. S. O., 1887, c. 167, s. 7.

"(4) After the date of the commencement of the winding up, any transfer of shares unless made by authority of the High Court, or any alteration in the status of members of the corporation shall be void; and no suit, action or other proceeding shall be proceeded with or commenced against the corporation except by leave of the court and subject to such terms as the court imposes; and every attachment, sequestration, distress or execution put in force against the estate of the corporation shall be void. Imp. Act 25 and 26 Vict., c. 89, secs. 87, 89 and 153; R. S. O., 1887, c. 183, s. 8; R. S. C., c. 129, s. 15-17.

"(5) All contracts of employment entered into by the corporation shall *ipso facto* cease and determine at the commencement of the winding up. Emden's Winding Up of Companies, 4th, p. 284, citing numerous Eng. Ca.

"(6) In any winding up under this Act all the funds, assets and property of the liquidating corporation or any liquidating branch or lodge thereof shall be deemed general assets of the liquidating corporation, branch or lodge, respectively, for the payment of all debts of the corporation, branch or lodge respectively, and are not to be applied to the payment of any particular debts, preferentially or exclusively, except as otherwise herein expressly enacted." Webb *v.* Whiffin, L. R. 5 H. L. 711, affirming 5 Ch., App. 428; Emden on Winding Up Cos., 4th Ed., pp. 358-9.

S. 53, amended.

(11) Section 53 is amended by inserting after sub-section 1 thereof, sub-section 1*a* as follows:

Receiver subject to summary jurisdiction of court.

"(1*a*) Every receiver (including interim receiver) shall be subject to the summary jurisdiction of the court, in the same manner, and to the same extent, as the

ordinary officers of the court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property, upon, in, or to any effects or property, in the hands, possession, or custody of a receiver, may be obtained by an order of the court on summary petition, and not by any action, suit, attachment, seizure, or other proceeding of any kind whatsoever; and obedience by the receiver to such order may be enforced by the court under the penalty of imprisonment, as for contempt of court, or disobedience thereto; and in the discretion of the court, he may be removed, and, with or without removal of the receiver, the Court may order the amount of any damage, loss or costs, ascertained to have been occasioned to the estate by his misconduct, misfeasance, laches or neglect, to be deducted from his remuneration earned, or to be recovered from him or his sureties. Cf. R. S. C., c. 129, s. 39; *Imp. Bankruptcy Act 1869*, c. 71, s. 72 and of 1883 c. 52, s. 102.

Remedies against estate obtained by summary order.

Remedies by the estate against receiver.

Section 53 is further amended by adding thereto sub-section 5 as follows:—

Sec. 53 amended.

(5) Notice from the Registry Officer to any person or corporation that the registry of an insurance corporation has been revoked or cancelled, or that the corporation has become unregistered, is sufficient notice that the funds and securities of the unregistered insurance corporation are subject solely to the order of the High Court."

(12) Sub-section 3 of section 53 is hereby amended by striking out the word "duplicate" in the 7th and 8th lines and substituting therefor the word "triplicate"; and the said sub-section is hereby further amended by adding the following words at the end thereof: "and such moneys and securities when so deposited shall be held to be deposited to the joint credit of the said unregistered corporation and of the Accountant of the Supreme Court of Justice.

Sec. 53 (3), amended.

(13) Sub-section 3 of section 54 is hereby amended by striking out in the 3rd line the word "duplicate" and substituting therefor the word "triplicate," and by adding at the end of the said sub-section these words: "and the interim receiver shall forthwith deliver another of the triplicate receipts to the Accountant of the Supreme Court of Justice, at Osgoode Hall, Toronto."

Sec. 54 (3), amended.

(14) Section 54 is amended by adding, thereto sub-sections 8, 9 and 10 as follows:

S. 54, amended.

(8) The bonds, guarantee policies, or other securities, of every receiver, under this Act, are to be made to the Registry Officer, and when approved by the

Bonds, etc., of receiver to be made to Registry Officer.

Master are to be transferred to the Registry Officer, to be deposited and remain in the same custody as securities deposited by insurance companies under *The Ontario Insurance Act.*

Registry officer to be corporation sole, for purposes of holding receivers' securities.

(9) For the purposes of holding the securities of receiver, and all estate therein, to the use of the unregistered corporation, the Registry Officer shall be a corporation sole, by the name of "Insurance Registry Officer for Ontario" and the said registry officer, as such corporation sole, shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this province. O. J. A., s. 133.

Receivers' securities heretofore made.

(10) All securities heretofore made under this Act to any person or persons, other than the Registry Officer, and in force at the passing of this sub-section, shall forthwith be assigned and transferred to the Registry Officer, to be deposited and remain in the same custody as prescribed by sub-section 8 of this section.

Sec. 56 (1), amended.

7. Section 56 of the principal Act is amended as follows:—

Sec. 56 (1) amended.

(1) Sub-section 1 of the said section 56 is amended by striking out in the third line the words "or may appoint another receiver or" and by substituting therefor these words, "and may appoint another person to be receiver, or with the consent in writing of the registry officer, may then or afterwards dispense with the appointment of a receiver, and." And the said sub-section 1 is further amended by adding at the end thereof the following proviso: "Provided that where there is no receiver the procedure shall, as nearly as may be, conform to the proceedure herein prescribed for winding up with a receiver; and the assets shall be realized and distributed by or under the direction of the master among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the receiver; a judge of the High Court may make an order directing how the books, accounts and documents of the corporation and of the receiver are to be disposed of, and may order that they be deposited in court or otherwise dealt with as may be thought fit." 55-56 Vict. c. 28, s. 2. "Provided also that in any case there shall not be more than one receiver at any one time, except with the consent in writing of the registry officer."

Sec. 56 (2) amended.

(2) Sub-section 2 of the said section 56 is amended by inserting before the first word thereof these words: "Subject to the provisions hereinafter contained." And the said sub-section 2 is further amended by striking out in the fourth line the words: "and schedules of creditors and contributories," and by inserting in lieu thereof these words: "shall settle and de

termine a list of the contributories and the amounts which they are respectively liable to contribute to the assets of the estate, and shall also settle and determine the claims of creditors and the amounts to which they are respectively entitled, and all matters of set-off affecting, or alleged to affect such contributions or claims, shall." And the said sub-section 2 is further amended by adding at the end thereof the following words:

"In fixing the receiver's remuneration his efficiency and expedition in winding up shall be considered; in no case shall the winding up be prolonged beyond the space of one year from the commencement, except for special and urgent cause shown to the satisfaction of the registry officer, and when prolonged beyond the said period for such cause so shown the registry officer by a consent in writing shall limit a day for the final closing of the books and accounts of the estate. Where the creditors are subjected to delay or the estate to expense by any want of care, diligence or efficiency in the receiver, the master, or a judge in chambers on an appeal from the master on motion of the registry officer, or of any creditor, contributory or other person interested in the estate may impose a fine on the receiver of not less than $20 nor more than $200 and costs, which thereupon shall be deemed to be a debt adjudged due from the receiver to the estate, and execution may issue forthwith or the amount may be charged against any remuneration already owed by but not yet paid to the receiver.

(3) After sub-section 2 sub-sections 2*a*, 2*b*, 2*c*, 2*d*, 2*e*, 2*f*, 2*g*, 2*h*, 2*i*, 2*j*, and 2*k*, are inserted as follows:— Sub-sections 2*a*, 2*b*, 2*c*, 2*d*, inserted.

(2*a*) Under the direction of the Master the receiver shall, as far as practicable, act personally in all matters relating to the estate, shall attend on correspondence, give notices, file or copy documents, prepare schedules, make calls on persons found or adjudged subject thereto, and shall personally perform such other duties and services in the receivership as shall from time to time be proper and necessary in the business of the receivership; and no costs shall be paid or allowed for the performance of duties or services which properly devolve upon the receiver personally, either within the intent of this Act or by virtue of any law or practice relating to receivers in force in Ontario." Receiver to act personally as far as practicable.

(2*b*) A minute entered on the Master's book shall have the same force as a formal order or direction; and except in special cases, no costs shall be allowed for attending on or taking out a formal Minute on Master's book to have force of formal order or direction.

order or direction. A copy of any minute certified under the hand of the master shall be competent evidence thereof, and for every such certificate a fee of 50 cents shall be payable to the master."

Form of advertisement for creditors and effect of such notice.

"(2*c*) The advertisement for or notice to creditors or claimants shall be to the effect of the form in schedule A hereto."

Certain claims to be collocated without other proof than company's books, etc.

(2*d*) Upon the evidence mentioned in sub-section 10 of section 26 of this Act, unless upon error shown to the satisfaction of the master and without the creditor or claimant filing further or other proof or making any formal claim or giving notice, the receiver shall prepare each in duplicate the three several schedules next hereinafter mentioned with the amount for which or having relation to which each creditor or claimant appears entitled to rank on the assets. Upon the said several amounts being verified to the satisfaction of the master, and in the absence of contestation by any person interested, or party, the creditor or claimant shall be collocated and ranked accordingly. R. S. O., c. 129, secs. 110, 119.

Three schedules to be prepared.

Schedule of preferred creditors.

The first of the said three schedules may be described as the *Schedule of Preferred Creditors.* This schedule shall include the names, addresses and descriptions of the persons mentioned in sub-section 4 of section 61 hereof, together with the total amount to which, on the aforesaid evidence (particular reference being made to the book and page, or as the case may be) the said persons are severally entitled, together also with the amount in respect of which they are severally entitled to rank as preferred creditors.

Schedule of ordinary creditors.

The second of the said schedules may be described as the *Schedule of Ordinary Creditors.* The schedule shall include those preferred creditors who, in respect of an unpreferred residue, are entitled to rank as ordinary creditors and the amount in each case of such residue; also all creditors entitled to claim under policies matured before the commencement of winding up, or under policies having at that date a fixed surrender value, or under policies unmatured at the commencement of winding up, but secured by deposit under *The Ontario Insurance Act*, together with the following particulars in the case of each policy, viz: The number and description of the policy, the date of issue (and, in the case of any life insurance policies, the age of the assured at date of issue) the name and address of the assured and of his assignee, if any, the amount for

which the policy was issued and the value of the policy or of the unearned premium, as the case may be, taken as at the commencement of the winding up, and in the case of policies issued for a term of years, the date of the expiry of the term. The said second schedule shall further include particulars of the several obligations other than policies issued by the corporation and outstanding at the commencement of winding up, with the names of the obligees and payees and the value of the said obligations taken as at that date, and shall also include the names and addresses, so far as known, of all other persons entitled to rank upon the assets not being persons and claims falling within the scope of the first and third of these schedules.

Schedule of the unmatured and unsecured policies.

The said third schedule may be described as the *Schedule of Unmatured and Unsecured Policies.* This schedule shall include all policies in force at the commencement of winding up, but not falling within the scope of the said second schedule, and shall furnish the like particulars as therein mentioned except as to the value of the policy, and shall further show the aggregate of the contributions made by the assured to the reserve or surplus fund, if any, of the corporation; and in any distribution of any surplus assets the distributive share under any policy shall be proportionate to the said aggregate of contributions by the assured, with or without interest thereon, as the master under the circumstances shall deem to be just; provided that when the registry of the corporation was cancelled for insolvency or impending insolvency, or where the master is of opinion that the assets of the estate are insufficient or not more than sufficient to pay in full the claims entitled to be ranked in the said first and second schedules, the master may dispense with the preparation of the said third schedule.

Schedule of debtors and creditors.

As soon as may be after the commencement of the winding up the receiver shall prepare *Schedules of Debtors and Contributories.* The schedule of debtors shall show the names and addresses (so far as the addresses can be ascertained) of all persons actually indebted to the estate or against whom the estate holds obligations or accounts accruing due with particulars of the same and of the securities if any held by the estate, reference being in every case made to the book or other evidentiary matter in the hands of the estate. The schedule of contributories shall show the names and addresses (so far as the addresses can be ascertained) of all

members of the corporation and persons who are subject to call, or otherwise liable to contribute to the assets of the estate, and the extent of such liability, giving the like reference to evidence.

Procedure after expiry of the time limited for clams.

(2*e*) After the expiration of the time limited by the advertisement for creditors or notice to claimants, the master shall then proceed without delay to settle and determine the list of creditors and the claims of alleged creditors, and the amounts to which those persons by him adjudged to be creditors are respectively entitled; also to settle and determine the lists of debtors and contributories and the amounts they severally are liable to pay or contribute to the assets of the corporation; also to settle and determine all matters of set-off affecting or alleged to affect such claims against or debts or contributions to, the estate. The master shall have authority to disallow and exclude all claims of which notice was not given within the time limited; and thereafter he shall report directing a distribution of the assets among the persons entitled thereto, having regard only to the claims of which the receiver had notice within the time limited; but it shall also be competent for the master to make an interim report or reports whenever deemed advisable; and, when deemed necessary, to direct the payment of an interim dividend or of interim dividends. It shall not be necessary to procure an order for the payment out of court of any dividend declared by the master's report, after the said report becomes absolute or confirmed by lapse of time or is affirmed on final appeal as the case may be. Such payment out shall be made by the Accountant of the Supreme Court of Judicature upon the production of the report with a certificate by the said master, certifying the date of the filing and that the said report has become absolute, or has been affirmed on final appeal as the case may be.

Inquiry into misfeasances and defaults of directors.

"(2*f*) Where in the course of winding up a corporation under this Act, it appears to the master or the registry officer that any past or present trustee, auditor, director, manager, officer, official, receiver or liquidator of the corporation has misapplied or retained in his own hands or become liable or accountable for any moneys, assets or property of the corporation, or has been guilty of any misfeasance or breach of trust or duty in relation to the corporation, or whose conduct in the management of the affairs of the corporation has been such as in the opinion of the registry officer to require investigation, the master, on the application

of the registry officer, and after at least ten days' notice served on the person or on the several persons whose conduct or dealings are to be investigated, shall and is hereby authorized and empowered, notwithstanding that the offence is one for which the offender is criminally responsible, to examine into the conduct and dealings of the said person or persons, and report to the court his conclusions upon the evidence; and where the master by his report finds as a fact that such default or misfeasance has been committed and ascertains the loss to the estate thereby, and ascertains the person or persons who committed the act or acts of default or misfeasance, or breach of trust or duty, the master by his report may direct the said person or persons severally or jointly, or jointly and severally to pay to the estate a certain sum or sums of money with or without interest, and with costs if any, occasioned by the default, misfeasance or breach of trust or duty, or the master may by his report disallow any account that such defaulter or misfeasant may have for his services or salary, and the report of the master when made shall be subject to the provisions of this Act as to filing, confirmation and enforcement. Cf. Imp. Cos. Act, 1862, s. 165; R. S. C., c. 129, s. 83; *Re* Dominion Provident, etc., Association, 25 O. R. 619.

"(2*g*) Where any report is made by the Master, he shall deliver out his report to the receiver, and the Receiver shall forthwith file the same in the master's office, or if the matter or proceeding is in Toronto or the county of York, then in the proper office at Osgoode Hall, and thereupon in the *Ontario Gazette*, and in a newspaper issued at or nearest the place where the head office of the unregistered corporation is situate, the Receiver shall give notice of the date of filing; the Receiver shall also forthwith deliver a copy of the report to the Registry Officer and notice of the day of filing; the Receiver shall also keep in his own office a copy of the report endorsed with the date of filing, and make the same accessible on demand to all persons interested in the estate." Filing of master's report and notice of filing.

"(2*h*) Upon any report of the Master (or the said report as amended on appeal, if any) becoming absolute under the rules of the Court, every person ascertained by the report to be indebted in a specified sum to the estate of the corporation shall, *ipso facto*, and without further proceedings, and as after final judgment be deemed and be debtor to the estate in the sum specified, and thereafter the Master may under

his hand certify that by his report dated and filed in on the day of 18 (supplying the necessary particulars) the person named in the certificate has been found indebted to the estate of the unregistered corporation (*naming it*) in the sum of $ with $ interest (*if any*) and $ costs (*if any*). Cf. R. S. C. c. 129, secs. 44, 46.

Transcript of judgment.

(2*i*) The receiver or the Registry Officer thereupon by precipe or requisition directed to the clerk of any division court or county court, or to the proper registrar or his deputy in the High Court, may require the said certificate to be entered as a judgment of the Court, and thereupon it shall be entered accordingly, and thereafter the Receiver or the Registry Officer may take any proceedings or process for the enforcing and collecting judgment that could be had or taken for the like purpose upon any judgment of the said court.

A fee of 25 cents shall be payable to a Local Master in respect of each certificate under this sub-section. Cf. R. S. O. 1887, c. 51, s. 217; R. S. C. c. 129, s. 85; Imp. Cos. Act, 1862, s. 123.

General writ of execution within county.

"(2*j*) When the Master finds that certain contributories or other persons liable to pay to the estate any sum of money, damages or costs, reside within the county or bailiwick of any sheriff he may direct one writ of execution to issue, commanding the sheriff to execute the said writ against the goods and chattels or lands and tenements of each of the persons named therein in respect of the sum of money, damages or costs specified as payable by each of the said persons respectively, and thereupon the sheriff shall proceed to execute the said writ of execution as he would if separate writs of execution for the sum of money, damages or costs had been issued against each of the said persons respectively."

Purchase of assets prohibited.

"(2*k*) Any purchase of assets of the unregistered or liquidating corporation, or of any member's right to rank on the assets, or of a member's dividend by any person directing, managing, auditing, or employed by the corporation within three years next before receivership or liquidation, or any such purchase by any receiver, or liquidator or inspector of the estate is hereby absolutely prohibited, and any pretended purchase or assignment such as aforesaid shall be utterly void. This sub-section shall apply also to any

winding up of an insurance corporation under chapter 183 of the Revised Statutes of Ontario, 1887, or under any other Act of the Province."

Morrison *v.* Watts, 19 A. R. 622; Thompson *v.* Clarkson, 21 O. R. 421.

(4) Sub-section 7 of the said section 56 is amended by striking out in the 4th line the words "is in the case of Friendly Societies."

(5) Sub-section 8 of the said section 56 is amended by inserting after the word "passing," wherever it occurs, the words, "or taxation"; and also by inserting after the word "account," wherever it occurs, the words, "or bill of costs"; and also by adding at the end of the sub-section the words "or taxed." Sec. 56 (8) amended.

(6) Sub-section 10 of the said section 56 is repealed and the following sub-section is substituted therefor:— Sec. 56 (10) repealed, and new sub-sec. substituted.

(10) Where any insurance corporation, company, society or association is being wound up either under this Act, or under chapter 183 of the Revised Statutes of Ontario, 1887, or other Act of the Province, the Registry Officer shall be a competent party for commencing or prosecuting any action, matter or proceeding relative to the estate of the corporation, or to a receiver or liquidator thereof, or to the sureties of either; and to every such action, matter or proceeding otherwise taken, commenced or prosecuted and to every taxation, retaxation, review or revision of costs affecting the estate, the Registry Officer shall be a competent and necessary party

8. Section 61 of the principal Act is hereby repealed and the following section is substituted therefor:— 55 V. c. 39, s. 61 repealed.

61.—(1) Except by consent in writing of the Registry Officer no counsel or solicitor shall be employed to act for the receiver or others at the expense of the unregistered corporation or of its funds or estate. R. S. O., c. 183, s. 19 (1.) Employment of counsel or solicitor by receiver.

(2) The Local Master or other local officer after taxing any bill of costs payable wholly or in part out of the estate shall forthwith transmit the same for revision to the proper taxing officer at Toronto, as directed by the Consolidated Rules of Practice in the case of bills of costs in actions where the amount is to be paid out of a fund in court, all of which said rules shall equally apply to the costs of all matters and proceedings in any receivership or winding up under this Act as to the costs in actions where the amount is to be paid out of a fund in court. C. R., 1207 *et seq.*

Costs of proceedings in winding up.

(3) The taxed costs of any action, matter or proceeding taken by the Registry Officer, or by the receiver with the written assent of the Registry Officer, shall be paid out of the funds or estate of the corporation; the costs of all other actions, matters or proceedings shall be in the discretion of the Court. 55 V. c. 39, s. 61.

Costs of winding up to be first charge on estate.

(4) All costs charged and expenses properly incurred in the receivership and winding up of the corporation, including the remuneration of the receiver, shall be payable out of the assets of the corporation in priority to all other claims. R. S. O., 1887, c. 183, s. 20.

Clerks and wage-earners to be preferred creditors.

(5) Subject to the foregoing provisions, the Master in distributing the assets of the corporation under this Act, shall pay in priority to the claims of the ordinary or general creditors, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date when the corporation became unregistered or within one month before, not exceeding three months' salary or wages, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. R. S. O., 1887, c. 127, s. 2; R. S. C., c. 129, s. 56 (2.)

55 V. c. 39, s. 62 amended.

9. Sub-division 4 of division II. of section 62 of the principal Act is amended by striking out in article (*e*) the figure "5" and substituting therefor the figure "3."

Sec. 62.

The said section is further amended by adding at the end thereof:—

"Provided, that when the fee for the term of registry exceeds $10, the fee payable for a certificate covering a period of six months or under shall be one-half of the fee payable for the full term."

Company guaranteeing its own employees.

10.—(1) Any incorporated company standing registered as hereinafter provided, having not less than twenty-five officers, employees or servants, instead of taking private sureties or the bonds of a guarantee company, may, by arrangement with its employees, contract to insure their fidelity by means of a guarantee fund provided as may be agreed out of the salary or wages of such officers, employees or servants, the whole to be conducted under rules and a form or forms of contract approved in writing by the Inspector of Insurance which may from time to time be amended under his direction or with his assent in writing, and such rules and forms, original and amended, shall from time to time be filed and indexed in the office of the Provincial Registrar.

(2) The said company may upon due application made to the Inspector of Insurance, be admitted to registry upon the register mentioned in sub-section 1 of section 4 of the principal Act and may from time to time upon due application so made renew its registry, but unless and until so registered, and unless it stands registered, the said or any unregistered company shall not undertake, nor agree or offer to undertake any contract by this section authorized, or within the intent of the principal Act, and the term of registry shall be as provided under section 18 of the principal Act. Admission to registry.

(3) The fees payable to the Provincial Treasurer in respect of the said registry shall be the same as provided in sub-division 1 of division 2 of section 62 of the principal Act, except that as to the certificate of registry (original or renewed), the fee shall be $10.00, and as to revivor of registry the fee shall be $10.00.

(4) On or before the first day of February in each year the corporation so registered shall make a statement of its guarantee fund in the form directed by the Inspector of Insurance.

11. Chapter 167 of the Revised Statutes of Ontario is amended as follows :—

(1) Sub-section 3 of section 120 of the said chapter is amended by striking out in the 4th line the words "of the evidence given" and by substituting therefor these words, "of all matters received in evidence"; and the said section is further amended by adding thereto sub-sections 4, 5 and 6 as follows :— R. S. O. c. 167, s. 120, amended.

"(4) Any director or officer of the insurance company, or the assured, or any person claiming under the policy, or any person prejudicially affected by any of the evidence so far received, shall have the right to attend personally, or by counsel, the investigation or proceedings as party thereto, and to call, examine, cross-examine or re-examine witnesses, as the case may be. Parties to the investigation.

"(5) No director or officer of the insurance company, nor any other person interested as hereinbefore mentioned, shall act as magistrate or coroner in any fire investigation; nor shall he act for the magistrate or coroner as clerk, reporter or otherwise, in taking down or recording the depositions or evidence. Interested persons not to act as magistrate or coroner nor record evidence.

"(6) The two next preceding sub-sections shall equally apply to all fire investigations held by Coroners or Provincial Coroners under any law of the Province." Application subsections 4 and 5.

(2) Section 136 of the said chapter is hereby amended by striking out the word "fifty" wherever it occurs and by substituting therefor the word "sixty." R. S. O., 1887, c. 167, s. 163, as amended by 562, c. 32, s. 9 (3.)

R. S. O., 1887, c. 136, s. 6, amended.

12. Section 6 of chapter 136 of the Revised Statutes of Ontario, as amended by section 3 of an Act passed in the 51st year of Her Majesty, and chaptered 22, and by section 6 of an Act passed in the 53rd year of Her Majesty, and chaptered 39, and by section 8 of an Act passed in the 56th year of Her Majesty's reign, and chaptered 32, is hereby amended by adding at the end of sub-section 1 the following words:

"And whatever the insured may under this section do by an instrument in writing attached to or indorsed on or identifyingthe policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy or a particular policy or policies by number or otherwise.

"'Apportion'" or 'apportionment' in this section includes and authorizes any division, sub-division, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this or any amending Act are entitled to be preferred to creditors of the assured and also includes any disposition of the said moneys or benefits such as partly or wholly to divest the right, or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for another or others or all others or conversely.

"Provided that the assured shall not by virtue of this section be authorized to divert the said moneys or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary when that beneficiary was a beneficiary for valuable consideration other than marriage."

Inconsistent enactments repealed.

13. All Acts or parts of Acts inconsistent wih this Act are hereby repealed.

SCHEDULE A.

Referred to in Section 7 (3).

INSURANCE CORPORATIONS ACT 1892.

In the High Court of Justice, Division.

In the matter of , an unregistered insurance corporation.

Pursuant to the judgment and direction of the Registry Officer herein, dated the day of , 18 , revoking and cancelling the registration of the above named corporation (*or as the case may be*).

The creditors and persons (other than holders of unmatured policies or certificates of the corporation) having claims against the said corporation are, on or before the day of , 18 , to deliver or send by post, prepaid, to , of , the Receiver of the above mentioned corporation, an affidavit showing their christian names and surnames, addresses and descriptions, the full particulars of their claims, a statement of their accounts and the nature of the security, if any, held by them; or, in default thereof, they will be peremptorily excluded from the benefit of the said judgment and direction, and from all share in the assets of the estate; and the said creditors and claimants, if so required by notice in writing from the said Receiver, are to come in and prove their debts and claims and produce their securities, if any, before me at my chambers at , on the day of , 18 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon debts and claims; or, in default thereof, they will be excluded from the benefit of any distribution of assets.

The status and rights of persons interested under unmatured policies of the corporation shall, in the absence of contestation and without any claim made, be determined by the books and records of the corporation, or of its officers; a schedule showing the said status and rights may be seen in the office of the Receiver at the above address.

Notices and letters respecting the estate or any alleged right or interest therein, are to be addressed to the Receiver as above, and all letters requiring answer are to inclose a stamped and addressed envelope for reply.

Dated this day of , 18 .

Master.

No. 190.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting The Insurance Law.

First Reading, , 1895.

Mr. GIBSON
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 191.] **BILL.** [1895.

An Act for the establishment of a Municipal Union.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Municipal Union Act.*

Formation of municipal union councils.

2. The council of any county, city or town municipality in the province may pass a by-law authorizing the head thereof, namely, the mayor or warden of the municipality, together with the solicitor, engineer and treasurer of such municipality if mentioned in such by-law to represent such municipality for the purposes of this Act at quarterly meetings of a municipal union council to be formed of such representatives together with representatives appointed in like manner by other municipalities, for the purpose of conferring on municipal affairs, and for the other purposes of this Act. Such by-law may be amended, repealed or re-enacted in any year or years thereafter.

Councils to be corporations.

3. Such representatives from time to time shall constitute a corporation to be called the Municipal Union Council.

Voting at meetings of councils.

4. At such meeting all the said representatives shall sit as one body for the purpose of discussion; but the different classes of representatives shall vote separately. No motion or matter shall be carried and take effect unless it shall be concurred in by a three-fourths majority of the heads of municipalities present at such vote. No by-law affecting the acts or moneys of any municipality, shall be binding on such municipality unless it be adopted by resolution or by-law of the council of such municipality.

Expenses, provision for.

5. Each municipal council may provide for the expense of its representatives at such meeting including a reasonable sum or contribution to provide for the general expenses of such meeting, with the approval of the Lieutenant-Governor in Council.

Advisory board of review.

6. Such municipal union council may constitute an advisory board of review, consisting of four persons, namely, a president, elected annually from among the representatives in the union, a general auditor and financial adviser, a general counsel, and a general engineer and inspector of works, such last three to be appointed for not less than three years, and the municipal union council with the like approval may nominate and appoint such officers.

Assessment for payment of expenses.

7 With the approval of the Lieutenant-Governor in Council and of the councils of the respective municipalities, the municipal union may provide for the assessment of such sum and in such manner and proportions as may be deemed necessary and just for the salaries, office and travelling expenses of the members of such board, who shall only be removable for cause stated and with the like consent as they are appointed.

Submitting accounts, etc., to board of review.

8. Any corporation represented in the municipal union or any township or village or county so represented may with the consent and approval of the Lieutenant-Governor in Council submit its accounts, assessments or by-laws or any of them for the advisory revision of the board of review at the expense of the municipality.

General powers of board of review.

9. The board of review shall have power to institute and carry on in person and with the assistance of the local engineer if so directed by any council a general survey and inspection of any municipality, on the request and at the expense of such municipality, with a view to correcting, approving or recommending sanitary, drainage, water storage and distribution, planting, park, street, bridging, ferriage, fire protection, lighting, transportation, and other systems of improvement. The board may prepare by-laws for submission to such municipalities, for the purpose of giving affect to such correction, approval or recommendation. The board may also prepare, subject to the approval of the municipal union council, petitions to the Lieutenant-Governor in Council and the House of Assembly for such legislation as may be necessary in that behalf.

Submission of money by-laws of municipalities to board of review.

10. Any municipality represented or any village or township within any county represented in the union may submit any by-law creating a debt and the debentures to be thereunder issued, for the revision of the board of review, and such board of review may, at the expense of the municipality, examine into and certify the legality of such by-law and debentures, and such certificate shall be absolutely binding as against the municipality in favor of any purchaser for value of such debentures.

11. In case a by-law and the specification of the proposed works thereunder are so submitted to and approved by the board of review, and the board has satisfied itself of the correctness of the assessments and other matters, the board of review may recommend such debentures to the same or any other municipality as an investment of any sinking fund, or other funds in its hands available for investment. Recommendation of board of review as to investment in debentures.

12. The union on the recommendation or with the concurrence of the board of review may submit a scheme for the creation of a consolidated municipal stock and mutual loan fund, founded upon the sinking funds of the municipalities forming the union, and may prepare by-laws in that behalf by and with the consent and approval of the Lieutenant-Governor in Council, and such by-laws if approved by the council of any municipality and confirmed by a vote of the ratepayers entitled to vote upon money by-laws, may be enacted and become binding upon such municipality. Scheme for creation of consolidated municipal stock and mutual loan fund.

13. The council of any municipality may make by-laws by and with the approval of a majority of the ratepayers entitled to vote upon money by-laws for the purpose of giving effect to any matter provided for by this Act, and such by-laws if approved by the Lieutenant-Governor in Council shall be valid and binding upon such municipality and all the ratepayers thereof. By-laws for carrying out provisions of Act.

No. 191.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for the establishment of a Municipal Union.

First Reading, 3rd April, 1895.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 192.] **BILL.** [1895.

An Act to empower the University of Toronto to deal with certain Upper Canada College claims.

WHEREAS, under chapter 231 of the Revised Statutes of Ontario (1887), as amended by an Act passed in the 51st year of Her Majesty's reign, chaptered 38, the Lieutenant-Governor in Council was authorized to transfer to the University of Toronto to the site formerly occupied by Upper Canada College, situated on King street, in the city of Toronto, hereinafter called "the block"; Preamble.

And whereas by section 4 of the said first mentioned Act, as amended by section 2 of the said Act passed in the 51st year of Her Majesty's reign, chaptered 38, all the property heretofore vested in the crown, in trust, for Upper Canada College, subject to certain charges, for the purchase of a site and the erection and equipment of buildings for Upper Canada College and a permanent endowment of $100,000 for the said college was to be appropriated for the use of the University of Toronto and University College, as the Lieutenant-Governor in Council might direct;

And whereas the university has not deemed it expedient to sell said lands, and that a further delay in making a sale is contemplated in the interests of the university;

And whereas the said endowment of $100,000 is unproductive, yielding no revenue or income for the benefit of Upper Canada College;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The trustees of the University of Toronto, with the approval of the Lieutenant-Governor in Council, may pay to the trustees of Upper Canada College, in extinguishment and liquidation of the said charge of $100,000, a sum of money equal to such sum as will represent the present value of the said sum of $100,000, payable in seven years from the 1st day of April, 1895, the rate of interest at which the said present value is to be ascertained being fixed at 4½ per cent. per annum, which sum shall be paid to the trustees of Upper Canada College on or before the 1st day of June next after the passing of this Act, and upon such payment the charge or

Trustees of university may pay off charge of $100,000 on lands of Upper Canada College.

lien of Upper Canada College upon the said block shall be discharged, and all claims of every kind and description of the said two institutions as against each other shall be deemed to be paid and extinguished.

Application of amount received by trustees of U. C. College.

2. The trustees of Upper Canada College shall, out of the said sum so paid to them, discharge the present liabilities of Upper Canada College, including liabilities which shall accrue up to and including the 30th day of June next, and after payment thereof, or after making due provision for the payment thereof, the remainder of such sum shall form part of the permanent endowment of Upper Canada College, and shall be invested as the trustees of the college shall direct, subject to the approval of the Lieutenant-Governor in Council, and the income from such investments shall constitute part of the income fund of Upper Canada College.

Lieutenant-Governor may authorize other expenditure.

3. The Lieutenant-Governor in Council may from time to time by order in council authorize the expenditure of any part of the said sum by the trustees of Upper Canada College in the future maintenance and support of the college in the same manner as the income might be expended by the trustees.

Issuing debentures of University to pay off charge.

4. The trustees of the University of Toronto, with the approval of the Lieutenant-Governor in Council, may issue debentures chargeable upon the said block for the sum to be paid by them to the trustees of Upper Canada College, payable at such times and being in such form and upon such terms and regulations as may be directed by the Lieutenant-Governor in Council.

55 V. c. 63, s. 1 repealed.

5. Section 1 of chapter 63 of an Act passed in the 55th year of Her Majesty's reign is hereby repealed.

No. 192.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to empower the University of Toronto to deal with certain Upper Canada College claims.

First Reading, 3rd April, 1895.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 193.] **BILL.** [1895.

An Act respecting certain Liabilities of Hospital Trustees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees of hospital to be liable for negligence of medical attendants.

1. The trustees of any hospital or other place where persons are received for medical or surgical treatment, free of charge or for remuneration, whether such trustees have been incorporated under any general or special Act in force in this province or not, and notwithstanding anything contained in the Act, deed, will or other instrument creating the trust or relating thereto, shall be liable to any person receiving medical or surgical treatment at such hospital or other place, for any damages caused by negligence, ignorance or want of skill on the part of any person employed by such trustees as a superintendent, medical attendant, or nurse in such hospital or other place, or in any action brought for the recovery of such damages, such trustees may be joined as parties defendant thereto.

Damages to be a debt due from the trust.

2. The damages and costs recovered in any such action shall be a debt due from the trust to the person to whom the same are awarded, and shall be payable by the trustees out of the revenues of the trust coming to their hands.

No. 193.

1st Session, 8th, Legislature, 58 Vict., 1895.

BILL.

An Act respecting certain Liabilities of Hospital Trustees.

First Reading, April 4th, 1895.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 194.] **BILL.** [1895.

An Act to amend The Mines Act 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application of Rev. Stat., c. 159, to mines.

1. To remove doubts, it is hereby declared that all provisions of *The Mechanics' Lien Act*, and all the Acts in amendment thereof, or incorporated therewith, apply and have always applied to all persons engaged in the business of mining or holding licenses under *The Mines Act 1892*, and any Act in amendment thereof, and every such person shall be deemed an owner within the meaning of *The Mechanics' Lien Act*.

Lien of miners for work and labor and materials.

2. Unless he signs an express agreement to the contrary, every mechanic, machinist, builder, miner, laborer, or other person doing work in or upon or furnishing materials to be used in any mine, or in connection with the business of any owner, within the meaning of *The Mines Act 1892*, and the Acts in amendment thereof, shall, by virtue of being so employed or furnishing, have a lien for the price of the work, machinery or material upon any such building, erection or mine in the lands occupied thereby, or enjoyed therewith and upon the products of such mine, limited in amount to the sum justly due to the persons entitled to the lien, in the same manner and to the same extent and enforceable in the same manner, as provided by the said *The Mechanics' Lien Act* and the Acts in amendment thereof, or incorporated therewith.

No. 194.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Mines Act 1892.

First Reading, 4th April, 1895.

Mr. CONMEE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 195.] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 25 amended.

1. Section 25 of *The Consolidated Municipal Act 1892*, is amended by adding thereto the following sub-section :—

Town separated from county to pay for use of county buildings.

Where a town has been separated from a county for municipal purposes, and by an agreement or award made under the provisions of this section, or under any other provision of this Act, or any Municipal Act heretofore in force, allowance has been made to the said town of the sums contributed by the town prior to separation from the county, towards the purchase of land and the erection of buildings for municipal and judicial purposes, the town shall thereafter pay to the county such sum or sums as may be agreed upon or as may be awarded by the same arbitrators as annual compensation for the use of the municipal or judicial buildings in respect of which it has been reimbursed as aforesaid, notwithstanding that such user may be only a general user by the town, in common with the other municipalities throughout the county.

55 V. c. 42, s. 25, sub-s. 52, repealed.

2. Sub-section 5 of section 25 of *The Consolidated Municipal Act, 1892*, is repealed and the following substituted therefor :—

Reconsideration of award made on separation of town from county.

(5) After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made for five years, or for such shorter period as may be stated in such agreement or award and thereafter, from time to time, at the expiration of the period of five years from the date of every such agreement or award, or of any shorter period that may be fixed by the agreement or award, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice the use of the goal, erection and repairs of the registry office or offices, the providing books for the same and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

55 V. c. 42, s. 454, repealed.

3. Section 454 of the said Act is repealed and the following substituted therefor :—

Gaol, etc., of county to be gaol, etc., of towns and cities in county.

454. The goal, court house, and house of correction of the county, in which a town or city, separated for municipal purposes only from the county, is situate, shall also be used as the goal, court house, and house of correction of the town or city, and shall in the case of such city, continue to be so used until the council of the city otherwise directs, and the town or city shall pay to the county for the use of such goal, court house and house of correction, the compensation provided for in section 469 of this Act.

55 V. c. 42, s. 469, sub s. 1, amended.

4. Sub-section 1 of section 469 of the said Act is repealed, and the following substituted therefor :—

Contribution from cities and towns to expenses of administration of justice, etc.

(1) Cities and towns separated from counties for municipal purposes only shall, as part of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred in erecting, building, repairing and maintaining the court-house and gaol of their respective counties, of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the gaol and courts of justice, other than the division courts, and for the library of the law association of the county, and of providing proper offices, together with fuel, light and furniture for officers connected with such courts, where the same are required to be provided by the county council; and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements, and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the province; and where such town or city has not contributed towards the erection of such buildings, or has been refunded the amount of such contribution fixed by any agreement or award, such city or town shall also pay a reasonable compensation for the use of such court-house, gaol or registry office, or other county building, notwithstanding such use may be only general use in common with the other municipalities throughout the county; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes, cannot by agreement from time to time settle and determine the amount payable by such city or town respectively, then the same shall be determined by arbitration according to the provisions of this Act.

55 V. c. 42, s. 475, sub-s. 1, repealed.

5. Sub-section 1 of section 473 of the said Act is repealed, and the following substituted therefor :—

Settling contribution from city or town to county.

(1) While any city or town, separated from the county for judicial as well as municipal purposes, uses the court-house,

gaol or house of correction of the county, such city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners as may be mutually agreed upon or settled by arbitration under this Act.

6. Section 474 of the said Act is amended by inserting after the word "statute" in the third line thereof the words "as provided for under the next preceding section of this Act." 55 V. c. 42, s. 474, amended.

No. 195.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th April, 1895.

Mr. PARDO.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 196.] **BILL.** [1895.

An Act respecting Aid to Charitable Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Aid not to be granted in respect of paying patients under Rev. Stat. c. 248.

1.—(1) Notwithstanding anything contained in *The Charity Aid Act*, no institution named, or which heretofore has been, or hereafter shall be taken as named in schedule A to the said Act, shall be entitled to receive aid from the public funds or moneys of the province in respect of paying patients admitted to, or being within, such institution.

Who to be deemed paying patients.

(2) Every person admitted to, or being within, such institution for treatment shall, for the purposes of this Act, be taken as a paying patient who pays, or for whom there is paid, to such institution from any source other than the public funds or moneys of the province, a weekly sum of not less than three dollars.

Aid not to be given to hospital established in same municipality with one already aided.

(3) No aid shall be paid to any hospital which shall hereafter be established in any municipality in which a hospital already exists and is in operation, unless such additional hospital shall have been established with the approval of the Lieutenant-Governor in Council.

(4) This section shall only apply to institutions which have already received, or which hereafter shall have been in receipt of, aid under the provisions of the said Act for a period of ten years.

Rev. Stat. c. 248, s. 3 amended.

2. Section 3 of *The Charity Aid Act* is amended by striking out the words "to the extent and," in the sixth line thereof, and substituting the words "not exceeding the," in lieu thereof.

Rev. Stat. c. 248, s. 7 amended.

3.—(1) Section 7 of the said Act is amended by inserting the word "maximum" after the word "aggregate" in the seventh line thereof, and by adding to the said section the following as sub-section (2) thereof:

Exemption of certain institutions from provisions section.

(2) The Lieutenant-Governor in Council may exempt from the provisions of this section the institutions named, or by order in council directed to be taken as named, in schedules

B and C of this Act, or either of such schedules, so that such institutions may receive the maximum aid payable under this Act and so that the provisions of this section may apply only to the institutions named, or by order in council directed to be taken as named, in the other schedule or schedules of this Act, as the case may be.

Limiting number of days' stay in institutions under Rev. Stat. c.248.

4.—(1) The Lieutenant-Governor may by order in council regulate the limitation of the number of days' stay of different classes of patients or inmates of the several institutions receiving aid under the provisions of *The Charity Aid Act.*

(2) All orders in council made under the authority of the next preceding section and of this section shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly.

Municipal support of free patients in hospitals, etc.

5. In the case of any poor person hereafter admitted into any hospital as a charity patient having no means to pay for medical treatment, unless such person shall have been a resident for a period of not less than three months in the city, town or incorporated village in which the said hospital is situated, the municipal corporation in which immediately prior to his removal to such city, town or village, such person was a resident for a period of not less than one year, shall be liable for payment to the said hospital or to the trustees or governing board of such hospital of the sum of $2 per week of the stay and treatment of such poor person in such hospital, not exceeding in all eight weeks.

No. 196.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Aid to Charitable Institutions.

First Reading, 4th April, 1895.

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 197.] BILL. [1895.

An Act to amend The Medical Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Maximum fees to be charged by medical council.

1. Notwithstanding anything contained in *The Ontario Medical Act*, or any amendment thereto, the council of the College of Physicians and Surgeons for Ontario shall not have power to to impose any greater fees or charge upon any person being a candidate for admission to practise medicine, surgery and midwifery in the Province of Ontario, and for registration under the said Act, than will amount in the whole to the sum of $50, which shall include fees for registration certificates, and all examinations required to be passed by such person for admission and registration.

No 197.

1st Session, 8th Legislature 58 Vict., 1895.

BILL.

An Act to amend The Medical Act.

First Reading, 4th April, 1895.

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 198.] BILL. [1895.

An Act to amend The Woodman's Lien for Wages Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 2 of *The Woodman's Lien for Wages Act* is amended by inserting in the first line, immediately after the word "include," the words "cord-wood, and other kinds of fire-wood." 54 V. c. 22, s. 2, sub.-s. 1, amended.

No. 198.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Woodman's Lien for Wages Act.

First Reading, 4th April, 1895.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 199.] **BILL.** [1895.

An Act to amend The High Schools Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 5 of section 2, of *The High Schools Act 1891*, is amended by striking out all the words after "situated" in the third line thereof. 54 V. c. 57, s. 2, s-s 5 amended.

2. Sub-section 4 of section 2 of the said Act is hereby amended by adding thereto the following words: "And set apart by by-laws of a county or municipality for high school purposes." 54 V. c. 57, s. 2, s-s. 4, amended.

3. Section 30 of the said Act is amended by inserting the words "at least" after the words "an amount" in the fifth line thereof. 54 V. c. 57, s. 30, amended.

4. Section 35 of the said Act as amended by the Act passed in the 56th year of Her Majesty's reign, chartered 52, is amended by inserting the words "or municipality" after the word "county" in the first line thereof. 54 V. c. 57, s. 35, amended.

No. 199.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The High Schools Act.

First Reading, 4th April, 1895.

Mr. CARNEGIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 200.] BILL. [1895.

An Act to amend The City Manhood Suffrage Registration Act 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Manhood Suffrage Registration Act, 1895.*

Application to towns.

2. This Act and *The City Manhood Suffrage Registration Act, 1894,* shall apply to towns as well as cities.

Boards of registrars in towns.

3. In county towns the board of registrars shall consist of the county judge, the police magistrate and the clerk of the county court; in all other towns the board shall consist of the police magistrate, the clerk of the town and the clerk of the division court. Where any of the persons herein mentioned are unable to act from any cause, or refuse to act, the other two shall appoint some other person to the vacancy.

Registering members of permanent militia corps.

4. Members of a permanent militia corps shall be registered on furnishing evidence that they are entitled to registration under *The Dominion Franchise Act,* and not otherwise.

"Mariner," meaning of.

5. The word "mariner" where it occurs in *The Manhood Suffrage Registration Act, 1894,* shall mean and include the officers, sailors, engineers, cooks, stewards, waiters, deck hands and other persons employed upon any steamboat or sailing vessel during its navigation.

Students, registration of.

6. Notwithstanding anything in the said Act contained, students in attendance at any university, college, school or other institution of learning, situated in any city or town to which the said Act applies, who are, during such attendance, resident in such city or town, and who have no other fixed place of abode, and are not at the time of application for registration under the said Act, registered or entered upon and are not entitled to be registered or entered upon any other list of persons entitled to vote at elections for the Legislative

Assembly, shall be entitled to be registered as manhood suffrage voters in such city or town, if otherwise qualified to vote therein.

Sittings of board.

7. The sittings of the board shall be held on consecutive days, except Sunday, and shall continue from ten o'clock in the morning until nine o'clock in the evening, with intermissions from one o'clock to two o'clock and from six o'clock to half-past seven o'clock;

Provided that if the holding of the sittings on consecutive days will not allow of one sitting being held on a Saturday, then the last sitting shall be held on a Saturday, and the second and third sittings shall be held on such days as the board appoints;

And provided further, that the time from half-past seven o'clock until half-past eight o'clock each evening of the said four days shall, as far as possible, be set apart for the registration of the votes of workingmen.

57 V. c. 4, s. 1, s. 27 (2) (3) and s. 54 repealed.

8. Section 1, sub-sections 2 and 3 of section 27 and section 54 of *The City Manhood Suffrage Registration Act, 1894*, are repealed.

Act incorporated with 57 V. c. 4.

9. This Act shall be read with *The City Manhood Suffrage Registration Act 1894*.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the City Manhood Suffrage Registration Act 1894.

First Reading, 4th April, 1895.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 200.] BILL. [1895.

An Act to amend The City Manhood Suffrage Registration Act 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Manhood Suffrage Registration Act, 1895.*

Application to towns.

2. This Act and *The City Manhood Suffrage Registration Act, 1894,* shall apply to *county* towns as well as cities.

Boards of registrars in towns.

3. In county towns the board of registrars shall consist of the county judge, the police magistrate and the clerk of the county court. Where *one* of the persons herein mentioned *is* unable to act from any cause, or refuse to act, the other two shall appoint some other person to the vacancy.

Registering members of permanent militia corps.

4. Members of a permanent militia corps ☞enlisted for continuous service under section 28 of *The Militia Act,*☜ shall be registered on furnishing evidence that they are entitled to registration under *The Dominion Franchise Act,* and not otherwise.

"Mariner," meaning of.

5. The word "mariner" where it occurs in *The Manhood Suffrage Registration Act, 1894,* shall mean and include the officers, sailors, engineers, cooks, stewards, waiters, deck hands and other persons employed upon any steamboat or sailing vessel during its navigation.

Students, registration of.

6. Notwithstanding anything in the said Act contained, students in attendance at any university, college, school or other institution of learning, situated in any city or town to which the said Act applies, who are, during such attendance, *a* resident *of and domiciled* in such city or town, and *who* are not at the time of application for registration under the said Act, registered or entered upon and are not entitled to be registered or entered upon any other list of persons entitled

to vote at elections for the Legislative Assembly, shall be entitled to be registered as manhood suffrage voters in such city or town, if otherwise qualified to vote therein.

Sittings of board.

7. The sittings of the board shall be held on consecutive days, except Sunday, and shall continue from ten o'clock in the morning until nine o'clock in the evening, with intermissions from one o'clock to two o'clock and from six o'clock to half-past seven o'clock ;

Provided that if the holding of the sittings on consecutive days will not allow of one sitting being held on a Saturday, then the last sitting shall be held on a Saturday, and the second and third sittings shall be held on such days as the board appoints ;

And provided further, that the time from half-past seven o'clock until half-past eight o'clock each evening of the said four days shall, as far as possible, be set apart for the registration of the votes of workingmen.

57 V. c. 4, s. 1, s. 27 (2) (3) and s. 54 repealed.

8. Section 1, sub-sections 2 and 3 of section 27 and section 54 of *The City Manhood Suffrage Registration Act, 1894*, are repealed.

Act incorporated with 57 V. c. 4.

9. This Act shall be read with *The City Manhood Suffrage Registration Act 1894.*

No. 200.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend the City Manhood Suffrage Registration Act 1894.

First Reading, 4th April, 1895.
Second Reading, 6th April, 1895.

(*Reprinted as amended in Committee of the Whole.*)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 201.] BILL. [1895.

An Act to amend The Evidence Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 9 of *The Evidence Act* as enacted by section 1 of the Act passed in the 55th year of Her Majesty's reign, chaptered 14, is hereby amended by striking out the words "and compellable" in the 7th line thereof. Rev. Stat. c. 61, s. 9, 55 V. c. 14, s. 1, amended.

No. 201.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Evidence Act.

First Reading, 4th April, 1895.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 202.] **BILL.** [1895.

An Act to amend the Act respecting Building Societies.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 23 of the *Act respecting Building Societies* is repealed and the following substituted therefor: Rev. Stat., c. 168, s. 23, repealed.

23. The directors of any building, savings society or loan company incorporated under this Act or any statute incorporated therewith, may issue debentures, or debenture stock, which debenture stock shall be treated and considered as part of the regular debenture debts of the society, and such debentures, or debenture stock, may be issued in such amounts and manner, on such terms, and bearing such rate of interest, and in such currency, as the directors from time to time think proper and convenient, provided that the amount of debentures, or debenture stock, shall not exceed one half of the amount paid up from time to time upon the capital stock or shares issued by the society, and further provided that such debentures, or debenture stock, shall not exceed one half of the amount from time to time invested by such society in mortgages in real estate. Issuing debenture stock.

(2) This section shall not apply to societies having a paid up capital of $100,000 in fixed and permanent stock not liable to be withdrawn therefrom. Application of section.

No. 202.

1st Session, 8th Legislature, 58 Vict. 1895.

BILL.

An Act to amend the Act respecting Building Societies.

First Reading, 4th April, 1895.

Mr. GERMAN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 203.] BILL. [1895.

An Act to confirm By-law Number 695 of the Town of Port Hope.

Preamble.

WHEREAS the municipal council of the town of Port Hope have by their petition shown that by an Act passed in the 45th year of Her Majesty's reign, chapter 41, intituled *An Act to enable the Corporation of the Town of Port Hope to incur liability for the Construction and Extension of Waterworks and for other Purposes*, authority was given to them to borrow money for the purpose of extending and enlarging the waterworks for the town and for other purposes mentioned in the Act, not exceeding in the whole $20,000, and to issue the necessary debentures therefor; that by another Act passed in the 57th year of Her Majesty's reign, chaptered 79, and intituled *An Act to consolidate the Debt of the Town of Port Hope and for other Purposes*, authority was given to them to incur a further debt or liability to the amount of $10,000 for the extension and enlargement of the said waterworks, over and above and in addition to the said sum of $20,000 above mentioned, and by the said Act it was declared that the said Act passed in the 45th year of Her Majesty's reign, chapter 41, above mentioned, was in full force and effect; that they were advised that a by-law might be passed pursuant to the authority conferred by the said Acts to raise the sum of $30,000 upon debentures and that such debentures might be made payable in equal annual instalments, both as to principal and interest, thus dispensing with the creation of a sinking fund, and by by-law number 695, passed by them on the 19th day of November, 1894, authority was given to borrow the said sum of $30,000 and to issue debentures therefor, payable in equal yearly instalments commencing in the year 1896 and ending in the year 1925; that the votes of the electors of the town of Port Hope were taken upon the said by-law in accordance with the provisions thereof, and the said by-law was approved of by the said electors by a vote of about two to one in favor thereof; that relying upon the authority conferred by the said by-law to borrow the said money and issue the said debentures, tenders were advertised for and a contract was duly entered into with certain persons for the execution of the necessary works of enlargement and improvement in connection with said water-

works, and tenders were also advertised for, for the purchase of the debentures to be issued under the said by-law, and one of the tenders was duly accepted; that they have been informed that the council to whom the purchaser of said debentures referred the question for opinion as to the legality of the issue has expressed the opinion that upon the true construction of the said Act passed in the 45th year of Her Majesty's reign, chapter 41, and of the said Act passed in the 57th year of Her Majesty's reign, chaptered 79, it is doubtful whether there was power to make the said debentures payable in equal annual instalments as above mentioned, and whether a sinking fund should not have been created for the payment thereof when the same became due, the interest only in the meantime being paid; that they have only just learned of the objection to the said by-law, and unless the said by-law be legalized by an Act of the Legislature they will be greatly embarrassed and may be unable to raise the necessary money to proceed with the works contracted for, and they have been advised that debentures issued, payable at the end of the period authorized with a sinking fund created for such payment, cannot be as readily and advantageously disposed of by them as debentures issued in accordance with the terms of the said by-law; and that the said by-law has received the assent of a large majority of the electors; and that it is desirable to remove the said doubts and to confirm the said by-law, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 695 confirmed.

1. By-law number 695, passed by the municipal corporation of the town of Port Hope on the 19th day of November, A. D. 1894, a copy of which is set forth in schedule A to this Act, is hereby ratified and confirmed and declared to be legal and binding.

Debentures confirmed.

2. The debentures to be issued pursuant to the said by-law shall be and are hereby declared to be valid and binding.

SCHEDULE.

By-law No. 695.

A by-law to raise by way of debentures the sum of thirty thousand dollars for the purpose of altering and extending the waterworks now existing in the town of Port Hope, and establishing a system of waterworks sufficient for the supply of water for domestic purposes as well as for the extinguishment of fires, and laying down water pipes in the streets of the said town, and of extending, enlarging and altering such waterworks and water pipes, and for acquiring lands in any way necessary for such purposes, and to authorize the issue of debentures therefor. Passed November 19th, 1894;

Whereas by an Act passed by the Legislature of Ontario in the forty-fifth year of Her Majesty's reign, chaptered 41, and intituled *An Act to enable the Corporation of the Town of Port Hope to incur Liability for the Construction and Extension of Waterworks, and for other Purposes*, it was enacted and declared that "notwithstanding any law in force to the contrary, it shall be lawful for the corporation of the town of Port Hope to incur such further debt or liability as it may deem expedient and necessary, and as it may be lawful for the said corporation to incur under the provisions of the laws respecting municipal institutions in the Province of Ontario, but not exceeding in the whole twenty thousand dollars, for the purpose of extending and enlarging the present waterworks for the said town, and laying down water pipes in the streets of the said town, and of extending, enlarging and altering such waterworks and water pipes, and for acquiring lands in any way necessary for such purposes from time to time as the council of the said corporation and duly qualified ratepayers in that behalf may determine, but under and in pursuance of the provisions of the said Municipal Act;"

And whereas by *The Port Hope Debenture and Waterworks Act 1894*, section 19, it is enacted that "notwithstanding anything contained in the said Act passed in the 49th year of Her Majesty's reign, chaptered 64, it is hereby declared that the Act passed in the 45th year of Her Majesty's reign, chaptered 41, and intituled *An Act to enable the Corporation of the Town of Port Hope to incur Liability for the Construction and Extension of Waterworks and for other Purposes*, shall be of full force and effect. Notwithstanding, however, the provisions contained in the said last mentioned Act, it shall be lawful for the corporation of the town of Port Hope to incur a further debt or liability to the amount of ten thousand dollars for the extension and enlargement of the waterworks of the said town over and above and in addition to the sum of twenty thousand dollars mentioned for such purpose in the said Act, and the said Act is hereby amended accordingly;"

And whereas it is necessary to raise the sum of thirty thousand dollars under the authority of the said recited Acts for

the purpose of altering and extending the waterworks now existing in the town of Port Hope and establishing a system of waterworks sufficient for the supply of water for domestic purposes, as well as for the extinguishment of fires, and for acquiring lands in any way necessary for such purpose;

And whereas it will require the sum of nineteen hundred and fifty-one dollars and fifty-four cents ($1,951.54) to be raised annually by special rate for the payment of the said debt and interest, over and above all other rates and assessments;

And whereas the amount of the whole rateable property of the said corporation according to the last revised assessment roll amounts to one million five hundred and forty-two thousand five hundred and sixteen dollars ($1,542,516);

And whereas the amount of the existing debenture debt of the said corporation is one hundred and ninety-eight thousand two hundred dollars, and no principal or interest is in arrear;

Therefore the municipal council of the corporation of the town of Port Hope enacts as follows:

1. That it shall be lawful for the mayor of the said town of Port Hope, for the purposes aforesaid, to borrow the sum of thirty thousand dollars, and to issue debentures of the said municipality to the amount of thirty thousand dollars in sums of not less than one hundred dollars each, payable in the manner, for the amounts and at the times hereinafter more particularly mentioned.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of five per centum per annum, which coupons shall be signed by the mayor and treasurer and shall be made payable on the second day of January and July in each and every year during the continuance of said debentures.

3. That a portion of the said debentures issued under this by-law shall be made payable on the second day of January in each and every year for a period of thirty years so that the sum to be levied for principal and interest shall be as nearly as may be equal in each year, and the said sum to be raised and levied annually as aforesaid is hereby fixed at one thousand nine hundred and fifty-one dollars and fifty-four cents ($1,954.51) which amount shall be raised by a special rate, sufficient therefor, on the whole rateable property of the said corporation, over and above all other rates, and to be called the waterworks rate.

4. That the principal and interest on the debentures issued under this by-law shall be payable at the Bank of Toronto in Port Hope.

5. That the yearly instalments of principal on the said debentures shall be payable on the second day of January in each and every year and the half-yearly payments of interest on the said debentures being also paid as provided for in section two (2) of this by-law the total payments of principal and interest in each and every year shall be as follows:

Year.	Principal.	Interest.	Total.
1896	$451 54	$1,500 00	$1,951 54
1897	474 12	1,477 42	1,951 54
1898	497 82	1,453 72	1,951 54
1899	522 72	1,428 82	1,951 54
1900	548 84	1,402 70	1,951 54
1901	576 30	1,375 24	1,951 54
1902	605 10	1,346 44	1,951 54
1903	635 36	1,316 18	1,951 54
1904	667 14	1,284 40	1,951 54
1905	700 48	1,251 06	1,951 54
1906	735 52	1,216 02	1,951 54
1907	772 28	1,179 26	1,951 54
1908	810 90	1,140 64	1,951 54
1909	851 44	1,100 10	1,951 54
1910	894 02	1,057 52	1,951 54
1911	938 72	1,012 82	1,951 54
1912	985 66	965 88	1,951 54
1913	1,034 94	916 60	1,951 54
1914	1,086 70	864 84	1,951 54
1915	1,141 02	810 52	1,951 54
1916	1,198 08	753 46	1,951 54
1917	1,257 98	693 56	1,951 54
1918	1,320 88	630 66	1,951 54
1919	1,386 93	564 61	1,951 54
1920	1,456 28	495 26	1,951 54
1921	1,529 10	422 44	1,951 54
1922	1,605 55	345 99	1,951 54
1923	1,685 83	265 71	1,951 54
1924	1,770 12	181 42	1,951 54
1925	1,858 63	92 91	1,951 54
	$30,000 00	$28,546 20	$58,546 20

6. That this by-law shall take effect on the thirtieth day of November A.D. one thousand eight hundred and ninety-four.

7. That the votes of the electors of the said town of Port Hope shall be taken on this by-law at the following times and places, that is to say, on Monday, the fifteenth day of October next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day:

In ward number one, at the engine house on King street, W. G. Stevenson, deputy returning officer.

In ward number two, at the town hall, Thomas Spry, deputy returning officer.

In ward number three, at the residence of Mrs. William Rowland, on Brown street, H. B. Hales, deputy returning officer.

8. On Monday, the 8th day of October, the mayor shall attend at the council chamber at 10 o'clock a.m., to appoint persons to attend at the various polling places and at the final

summing up of the votes by the clerk, respectively, on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

9. The clerk of the said municipality shall attend at the council chamber in the said town at 10 o'clock in the forenoon, of the 16th day of October, A.D. 1894, and sum up the number of votes given for and against this by-law.

Dated at the town of Port Hope this 19th day of November, A.D. 1894.

H. V. SANDERS,
Town Clerk.

{Seal, Port Hope Town Council.}

No 203.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to confirm By-Law Number 695 of the Town of Port Hope.

First Reading, 1895.

(Private Bill.)

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 204.] **BILL.** [1895.

An Act respecting Medical Tariffs.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 16 of *The Ontario Medical Act* is hereby repealed. Rev. Stat. c. 148, s. 16, repealed.

No. 204.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Medical Tariffs.

First Reading, 5th April, 1895.

Mr. McKAY
(Oxford.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 205] **BILL.** [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 487 of *The Consolidated Municipal Act 1892*, is amended by adding thereto the following sub-sections: 55 V. c. 42, s. 487, amended.

(9) The council of any town may by by-law declare the provisions of this section in force in the municipality; and, after the passing of such by-law, this section shall apply to such town in the same manner as if it were one of the cities mentioned in the preceding sub-sections of this section.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th April, 1895.

Mr. CLELAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 206] BILL. [1895.

An Act to consolidate the Acts governing the Supreme Court of Judicature of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

TITLE.

1. This Act may be cited as "*The Judicature Act 1895.*" R. S. O., 1887, c. 44, s. 1. Short title.

INTERPRETATION.

2. Where the words following occur in this Act and in the rules, made thereunder or under *The Ontario Judicature Act, 1881*, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears. Interpretation of terms. 44 V. c. 5.

1. "Rules of court" shall include forms.

2. "Cause" shall include any action, suit, or other original proceeding between a plaintiff and a defendant.

3. "Action" shall include suit and shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by rules of court.

4. "Matter" shall include every proceeding in the court not in a cause.

5. "Plaintiff" shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise.

6. "Petitioner" shall include every person making any application to the court, either by petition, motion, or summons, otherwise than as against any defendant.

7. "Defendant" shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.

8. "Party" shall include every person served with notice of or attending, any proceeding, although not named on the record.

9. "Pleading" shall include any petition or summons, and shall also include the statement in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.

10. "Judgment" shall include decree.

11. "Order" shall include rule.

12. "Oath" shall include solemn affirmation and statutory declaration.

13. "Proper officer" shall, unless and until any rule to the contrary is made, mean an officer to be ascertained as follows:—

(*a*) Where any duty to be discharged under this Act or under rules of court is a duty which has been discharged by any officer, such officer shall continue to be the proper officer to discharge the same, until otherwise provided by rule;

(*b*) Where any new duty is under this Act or under the rules aforesaid to be discharged, the proper officer to discharge the same shall be such officer having previously discharged analogous duties, as may from time to time be directed to discharge the same, in the case of an officer of the high court, not attached to any division, by the president of the high court, and in the case of an officer attached to any division, by the president of the division. R.S.O., 1887, c. 44, s. 2.

CONSTITUTION OF SUPREME COURT.

Supreme court of judicature continued.

3.—(1) The supreme court of judicature for Ontario at present existing is hereby continued, and all commissions, rules, orders and regulations granted or made, in, by, or respecting the former court of Queen's bench for Ontario, the court of chancery for Ontario, and the court of common pleas for Ontario, or the supreme court of judicature, the court of appeal, and the high court of justice, or the judges or officers thereof, existing and in force when this Act takes effect, shall remain in force until altered or rescinded or otherwise determined.

(2) The supreme court shall continue to consist of two permanent divisions, to be called "the high court of justice for Ontario," and "the court of appeal for Ontario."

(3) The high court of justice for Ontario shall continue to consist of three divisions, to be called the Queen's bench divi-

sion, the chancery division, and the common pleas division of the high court.

(4) The Queen's bench division shall, during the reign of a King, be called "the King's bench division," and during the reign of a Queen, "the Queen's bench division."

(5) The persons hereafter appointed to fill the places of the chief justice of the Queen's bench, the chancellor of Ontario, and the chief justice of the common pleas, and their successors respectively, are to be appointed by the authority mentioned in *The British North America Act* and with the same respective titles as heretofore. Imp. Stat. 30-31 V. c. 3.

(6) The persons to be appointed judges of the high court shall be barristers-at-law of at least ten years' standing at the bar of Ontario.

(7) Save as in this Act is otherwise expressly provided, all the judges hereinbefore mentioned, and their successors, shall have in all respects equal power, authority and jurisdiction.

(8) The chief justice of the Queen's bench shall be the president of the Queen's bench division, the chancellor shall be the president of the chancery division, and the chief justice of the common pleas shall be the president of the common pleas division.

(9) Besides the chief justice of the Queen's bench, two justices of the high court shall be attached to the Queen's bench division; besides the chancellor of Ontario, three justices of the high court shall be attached to the chancery division; and besides the chief justice of the common pleas, two justices of the high court shall be attached to the common pleas division.

(10) The president of the said high court shall be that one of the presidents of the Queen's bench, chancery and common pleas divisions, who, for the time being, is first in order of seniority.

(11) Upon a vacancy happening among the judges, the judge appointed to fill the vacancy is (subject to the provisions of this Act, and to any rules of court which may be made pursuant thereto) to become and be a member of the same division to which the judge whose place has become vacant belonged.

(12) Nothing in this Act shall prevent, or shall be construed as intended to prevent, the transfer of any judge of any of the said divisions from one to another of the said divisions. R. S. O., 1887, c. 44, s. 3 (1) to (12).

Detachment of one judge from chancery division.

3*a*. One of the four judges of the chancery division may, with his consent, be detatched from the said division without

being appointed to any other division of the said court, or ceasing to be a judge of the high court.

(2) In case of a vacancy occurring in the said chancery division without a judge thereof having been detatched therefrom the judge to be appointed to the high court in consequence of the vacancy shall not be attached to any particular division thereof.

(3) In either of such cases each of the divisions of the high court shall thenceforward have the same number of judges. 54 V. c. 13, s. 1.

Judge detached to exercise judicial functions in other divisions of the H. C. of Justice.

(4) The judge so detatched or appointed shall continue a judge of the high court, and shall from time to time exercise his judicial functions in any of the divisions thereof, and in performing and expediting the business of the high court generally, according as he may appear to be for the time being most needed for the convenient and expeditious despatch of business, and as may contribute to the equal distribution of business from time to time among the judges of the several divisions of the said high court, the same to be a matter of mutual arrangement from time to time among the judges of the high court, or to be regulated from time to time by order of the presidents of the high court and the chief justice of the province, or a majority of them; or (subject thereto) by the Lieutenant-Governor in Council; and any order of the judges aforesaid, and of such majority as aforesaid, or of the Lieutenant-Governor in Council, made under this Act, shall have the same force for the time being as an Act of the Legislature. 54 V. c. 13, s. 2

Duties and powers of judge.

(5) The judge shall have the same powers and duties in said respect of the court of appeal, and of all other matters, as the other judges of the high court. 54 V. c. 13, s. 3.

Judgment by judge who resigns after case heard.

4. Where a judge resigns his office, and any case which has been fully heard by such judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a judge of the same court; and any such judgment shall be of the same force and validity as if he were still such judge, provided that such judgment of the judge be delivered within six weeks after his said resignation. R. S. O., 1887, c. 44, s. 4.

Existing court of appeal continued.

5. The court of appeal for Ontario, at present existing is continued under that name, and shall consist of a chief justice, to be called the chief justice of Ontario, and three other judges, to be called justices of appeal, and the judges of the high court, shall be *ex-officio* judges of the court of appeal, so as to provide for the cases mentioned in section 12 of this Act. R. S. O., 1887, c. 44, s. 5.

Vacancies in court of appeal, how filled.

6. The chief justice of Ontario and the justices of appeal may be selected from the judges for the time being, or retired

judges of the high court, or from such barristers as are eligible to be appointed judges of that court. R. S. O., 1887, c. 44, s. 6.

Precedence of judges.

7.—(1) The chief justice of Ontario shall have rank and precedence over all other judges of the courts in Ontario.

(2) The justices of appeal, the chief justice of the Queen's bench, the chancellor of Ontario, and the chief justice of the common pleas shall have rank and precedence among themselves according to their seniority of appointment to any of the said offices.

(3) The other judges of the high court shall have rank and precedence among themselves according to seniority of appointment to their respective offices. R. S. O. 1887, c. 44, s. 7.

Appeal judges may hold assizes, etc.

8. The chief justice of Ontario and the justices of appeal may, in addition to their duties as judges of the court of appeal, preside over courts of assize and nisi prius, oyer and terminer and general gaol delivery, and hold sittings of the high court of justice, for the trial of civil causes, matters and issues, and criminal matters or proceedings ; and every such justice in the exercise of such duties shall have the same rights, powers and privileges as a judge of the high court presiding at such courts or sittings. R. S. O., 1887, c. 44, s. 8.

Provision for absence or vacancy in office of a judge.

9. Upon the request of the judge or judges with or for whom he is requested to sit or act, it shall be lawful for any judge of the court of appeal, or any retired judge of the said court, or of the high court, who may consent so to do, to sit and act as a judge of the said high court, or to perform any other official or ministerial acts for or on behalf of any judge absent from illness or any other cause, or in the place of any judge whose office has become vacant, or as an additional judge of any division ; and while so sitting and acting, any such judge of the court of appeal or retired judge shall have all the power and authority of a judge of the said high court. R. S. O., 1887, c. 44, s. 9.

Quorum.

10. No sitting of the court of appeal shall be held unless four of its members are present where the appeal is from the high court, or unless three of its members are present where the appeal is from a county court, provisional judicial district court, or judge of a surrogate court or stipendiary magistrate. R. S. O., 1887, c. 44, s. 10.

Divisional courts of court of appeal.

11.—(1) In case from pressure of business, or other cause, it shall at any time seem expedient to the Lieutenant-Governor in Council, or to the judges of the supreme court, or a majority of them (of which majority two judges of the court of appeal, including the chief justice, unless absent on leave, shall form part), the court of appeal may sit in two divisions at the same

time; and in such case, and to enable two divisional courts to be held, the judges of the said supreme court, or the said majority of them, shall select from the judges of the high court so many of the judges thereof as may be necessary, together with the ordinary judges of the court of appeal, to form two divisions of the said court, and the judges so chosen and acting shall have all the power and authority of the judges of the said court of appeal.

(2) Unless otherwise arranged by the judges of the court of appeal and the said judges so selected, two of the ordinary judges of the court of appeal shall where practicable sit in each such divisional court. R. S. O., 1887, c. 44, s. 11.

Quorum may be made up by the judges of the high court.

12. In case of there being a vacancy in the court of appeal or in case from illness or some other cause, any of the judges of the said court is not present at some sitting of the court, or in case any of the said judges is under some legal disqualification to hear an appeal, the judges of the high court shall choose from amongst their number as many judges as are necessary, to form a quorum; and the judges so chosen and acting shall have authority to continue to hear appeals partly heard before them, and to give judgment in all appeals heard before them, notwithstanding that such vacancy may in the meantime have been filled up, or that the judge who was absent may have resumed his duties. R. S. O., 1887, c. 44, s. 12.

Judge whose decision appealed from, etc., not to sit on appeal.

13. No judge against whose judgment an appeal is brought or who took part in the trial of the cause or matter, or in the hearing in the court below, shall sit or take part in the hearing of or adjudication upon the proceedings in the court of appeal. R. S. O., 1887, c. 44, s. 13.

Written judgment of an absent judge may be read by another judge.

14. Where a judge has heard a case in the court of appeal and is not present at the time of the judgment of the court being delivered, his written judgment may be read by one of the other judges of the court, and shall have the same effect as if he were present; and in such case if the judgment delivered is on an appeal from the high court, it shall be sufficient if three judges are present; and if the judgment is on appeal from the county court, it shall be sufficient if two judges are present; and it shall not be necessary that the judges shall be unanimous. R. S. O., 1887, c. 44, s. 14. *See also* s. 4, *ante*.

Judgment may be given in the absence of one of the judges who heard the cause if other judges are unanimous.

15. In case, after a cause or matter in the court of appeal has been heard and stands for judgment, one of the judges by whom the appeal was heard is transferred to the supreme court of Canada, or resigns his office, or is absent from illness or other cause, or dies, the remaining judges, if unanimous in their decision, may give judgment as if such judge were still a judge of the said court of appeal, and were present and taking part in the said judgment. R. S. O., 1887, c. 44, s. 15.

16. In the absence of the chief justice of Ontario, the judge entitled to precedence over the other judges present shall preside. R. S. O., 1887, c. 44, s. 16. Presiding judge in absence of chief justice.

17. The court of appeal shall subject to the provisions of section 57 of this Act, hold its sittings at the city of Toronto at such times and for such periods as the acting judges thereof for the time being, or a majority of them, may deem necessary or convenient for the speedy despatch of business. R. S. O., 1887, c. 44, s. 17. Sittings of the court of appeal.

18. The oath to be taken by the judges to be hereafter appointed shall be the following:— Oath of office.

"I do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as ; so help me God."

R. S. O., 1887, c. 44, s. 18.

19. The oath is to be administered to the chief justices and the chancellor by the Lieutenant-Governor in Council, and to the justices of the high court, other than the chief justices, in presence of the president of the high court; and to the justices of the court of appeal in open court by the chief justice of Ontario, unless the Lieutenant-Governor in any of such cases shall otherwise direct. R. S. O., 1887, c. 44, s. 19. Administration of oath.

JURISDICTION OF HIGH COURT.

20. The high court shall be a superior court of record of original jurisdiction, and shall, subject as in this Act mentioned, possess all such powers and authorities, as by the law of England, are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges as fully to all intents and purposes as the same were on the 5th day of December, 1859, used, exercised and enjoyed by any of Her Majesty's superior courts of common law at Westminster in England, and may and shall hold plea in all and all manner of actions and causes as well criminal as civil, and may and shall proceed in such actions and causes by such process and course as are provided by law; and as shall tend with justice and despatch to determine the same; and may and shall hear and determine all issues of law; and may and shall also hear and (with or without a jury, as provided by law) determine all issues of fact that may be joined in any such action or cause, and judgment thereon give, and execution thereof award in as full and ample a manner as might, at the said date, be done in Her Majesty's courts of Queen's bench, common bench, or, in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods), by the court of exchequer in England. R. S. O., 1887, c. 44, s. 20. Jurisdiction of high court.

Equitable urisdiction.

21. The high court shall also, subject as in this Act mentioned, have the like jurisdiction and powers as by the laws of England were on the 4th day of March, 1837, possessed by the court of chancery in England, in respect of the matters hereinafter enumerated, that is to say:

1. In all cases of fraud and accident;

2. In all matters relating to trusts, executors and administrators, copartnership and account, mortgages, awards, dower, infants, idiots, lunatics and their estates;

3. To stay waste;

4. To compel the specific performance of agreements;

5. To compel the discovery of concealed papers or evidence, or such as may be wrongfully withheld from the party claiming the benefit of the same;

6. To prevent multiplicity of suits;

7. To decree the issue of letters patent from the Crown to rightful claimants;

8. To repeal and avoid letters patent issued erroneously or by mistake, or improvidently, or through fraud. R. S. O., 1887, c. 44, s. 21. *See also* sec. 53 (9).

Rules of decision in such cases.

22. The rules of decision in the said matters in the last preceding section mentioned shall, except where otherwise provided, be the same as governed the court of chancery in England, in like cases, on the 4th day of March, 1837. R. S. O., 1887, c. 44, s. 22.

Jurisdiction in cases where formerly no adequate remedy at law.

23. The high court shall have the like jurisdiction and power as the court of chancery in England possessed on the 10th day of June, 1857, as a court of equity to administer justice in all cases in which there existed no adequate remedy at law. R. S. O., 1887, c. 44, s. 23.

Jurisdiction in matters of revenue.

24. The high court shall have the like equitable jurisdiction in matters of revenue as the court of exchequer in England possessed on the 18th day of March, 1865. R. S. O., 1887, c. 44. s. 24.

Relief against forfeiture for breach of covenant to insure in certain cases. Imp. Act, 22-23 V. c. 35, s. 4.

25. The high court shall have power to relieve against a forfeiture for breach of a covenant or condition in any lease to insure against loss or damage by fire, where no loss or damage by fire has happened, and the breach has, in the opinion of the court, been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the court in conformity with the covenant to insure, upon such terms as to the court may seem fit. R. S. O., 1887, c. 44, s. 25.

26. The court, where relief is granted, shall direct a record of such relief having been granted to be made by indorsement on the lease or otherwise. R. S. O., 1887, c. 44, s. 26.

When relief is granted, the same to be recorded. Imp. Act, 22-23 V. c. 35, s. 5

27. The preceding two sections shall be applicable in the case of leases for a term of years absolute, or determinable on a life or lives or otherwise, and also in the case of a lease for the life of the lessee or the life or lives of any other person or persons. R S. O., 1887, c. 44, s. 27.

To what leases preceding provisions apply. Imp. Act 22-23 V.c. 35, s. 9.

28. In any action or proceeding in the high court for partition or sale of the estate of joint tenants, tenants in common or co-parceners, where any of the persons interested in the lands whereof partition or sale is sought are unknown to the plaintiff, or have not been heard of for three years or upwards, the court shall have the same jurisdiction that, in proceedings under *The Partition Act*, it possesses for the purpose of binding the interests of such persons and dealing with the estate of such of them as by reason of long continued absence may reasonably be believed to be dead; and the like proceedings may be taken in such action or proceeding for the said purposes as might be taken upon a petition under the said Act; and every deed or vesting order made in any such action or proceeding shall have the same effect as a deed or vesting order made in proceedings under the said Act. R. S. O., 1887, c. 44, s. 28.

Jurisdiction in partition.

Rev. Stat. c. 104.

29. The high court shall have jurisdiction to grant alimony to any wife who would be entitled to alimony by the law of England, or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto, or to any wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights; and alimony when granted shall continue until the further order of the court. R. S. O., 1887, c. 44, s. 29.

Jurisdiction in alimony.

30. An order or judgment for alimony may be registered in any registry office in Ontario, and the registration shall, so long as the order or judgment registered remains in force, bind the estate and interest of every description which the defendant has in any lands in the county or counties where the registration is made, and operate thereon in the same manner and with the same effect as the registration of a charge by the defendant of a life annuity on his lands. R. S. O., 1887, c. 44, s. 30.

Judgment for alimony may be registered and thus bind lands.

31. In every case in which the court has authority to order the execution of a deed, conveyance, transfer or assignment of any property, real or personal, the court may by order vest such real or personal estate in such person or persons, and in such manner, and for such estates, as

Vesting order, effect of.

would be done by any such deed, conveyance, assignment or transfer if executed; and thereupon the order shall have the same effect as if the legal or other estate or interest in the property had been actually conveyed, by deed or otherwise, for the same estate or interest, to the person in whom the same is so ordered to be vested, or in the case of a *chose in action*, as if such *chose in action* had been actually assigned to such last-mentioned person. R. S. O., 1887, c. 44, s. 31.

Jurisdiction of court of chancery in respect to leases, settled estates, estates of infants, and special cases.

32.—(1) The high court shall have the same jurisdiction as the court of chancery in England had on the eighteenth day of March, 1865, in regard to leases and sales of settled estates, and in regard to enabling infants, with the approbation of the court, to make binding settlements of their real and personal estate on marriage; and in regard to questions submitted for the opinion of the court in the form of special cases on the part of such persons, as may by themselves, their committees or guardians, or otherwise, concur therein. R. S. O., 1887, c. 44, s. 32.

Renewal clauses in leases of settled estates.

(2) Notwithstanding anything in this Act or any other Act contained, the court of chancery of Ontario and the high court respectively, shall be deemed to have had, and the high court shall be deemed to have, power to grant or authorize leases of settled or other estates containing agreements for the renewal or renewals of such leases, and to determine the length of time for which such renewal or renewals may be made; and all leases of settled or other estates containing provision for their renewal or renewals which have heretofore been allowed and approved by the court of chancery or the high court, are hereby ratified and confirmed and declared to be valid and binding on all the parties thereo or interested in the lands described therein. 53 V., c. 14, s. 1.

(3) The examination of a married woman apart from her husband, as to her knowledge of the nature and effect of an application for the sale or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court or a judge.

(4) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the high court, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge, otherwise orders; and the said official guardian, or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection

of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian.

(5) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served.

(6) Money realized from the sale or leasing of any settled estate or any interest therein, shall be paid, applied or invested, as the court or a judge shall direct. R. S. O., 1887, c. 44, s. 32, (2) to (5).

The court may try the validity of wills.

33. The high court shall have jurisdiction to try the validity of last wills and testaments, whether the same respect real or personal estate, and whether probate of the will has been granted or not, and to pronounce such wills and testaments to be void for fraud and undue influence or otherwise, in the same manner and to the same extent as the court has jurisdiction to try the validity of deeds and other instruments. R. S. O., 1887, c. 44, s. 33.

Jurisdiction.

34. The high court shall also have jurisdiction—

In matters testamentary. Rev. Stat. c. 50.

1. In matters testamentary as provided in sections 30 to 32 inclusive of *The Surrogate Courts Act*.

Appeals against judgment of commissioners under Rev. Stat. c. 29.

2. On any appeal from the judgment or decision of the commissioners under *The Act to prevent Trespasses to Public Lands*, as provided in said Act.

Lunatics and infants. Rev. Stat. cc. 53, 137.

3. In respect of lunatics and infants and their property and estates, as provided by *The Act respecting Lunatics* and *The Act respecting Infants*.

Testamentary guardians. Rev. Stat. c. 137.

4. In respect of guardians and trustees, as provided by *The Act respecting Infants*.

Partition. Rev. Stat. c. 104.

5. In respect of partition and sale of real estate as provided in *The Partition Act*. R. S. O., 1887, c. 44, s. 34.

General jurisdiction.

35. The high court shall have, generally, all the jurisdiction which, prior to the 22nd day of August, 1881, was vested in, or capable of being exercised by, the court of Queen's bench, court of chancery, court of common pleas, and courts of assize, oyer and terminer, and gaol delivery (whether created by commission or otherwise) and the high court shall be deemed to be and shall be a continuation of the said courts respectively (subject to the provisions of this Act) under the said name of "The High Court of Justice for Ontario." R. S. O. 1887, c. 44, s. 35.

Existing jurisdiction of judges continued.

36. The jurisdiction of the high court shall include (subject to the exceptions hereinafter contained) the jurisdiction which at the commencement of this Act, was vested in, or capable of being exercised by the judges of the said courts respectively, sitting in court or chambers, or elsewhere, when acting as judges in pursuance of any statute or law; and all powers given to any such court, or to any such judges, by any statute; and also all ministerial powers, duties and authorities, incident to any and every part of the jurisdiction. R. S. O., 1887, c. 44. s. 36.

Rights and privileges of judges.

37. Every judge of the high court shall have, use and exercise all the rights, incidents and privileges of a judge of a court of record and all other rights, incidents and privileges as fully to all intents and purposes as the same were, prior to the 5th day of December, 1859, used, exercised or enjoyed by any of the judges of any of Her Majesty's superior courts of common law at Westminster. R. S. O., 1887, c. 44, s. 37.

A judge to sit in chambers.

38. The judges of the high court shall, in rotation or otherwise as they may agree among themselves, sit in chambers or elsewhere, and there transact any such business as may be transacted by a single judge out of court, whether such business be in the division of the high court to which such judge is attached or in another division, subject to the right of appeal as provided in this Act and the rules from time to time in force. R. S. O., 1887, c. 44, s. 38.

Anyone whilst acting as judge of assizes in Toronto, may act as judge in chambers.

39. Any person sitting or acting as judge at any assizes or sittings of the high court for the trial of causes, matters, and issues, in the city of Toronto, may, while so sitting or acting as such judge, or while the assizes or sittings last, act as a judge in chambers in all matters as if he were a judge of the high court. R. S. O., 1887, c. 44, s. 39.

Anyone sitting as judge of assize may during sittings act as judge in chambers.

40. Any person acting as a judge at any assizes or sittings of the high court for the trial of causes, matters and issues, may, in and for the county in which he is acting, and while the sittings of the said court last, act as a judge in chambers in all matters entered for trial before him, as if he were a judge of the high court. R. S. O., 1887, c. 44, s. 40.

Jurisdiction to be exercised in name of high court.

41. The several jurisdictions vested in the said high court, shall not be exercised except in the name of the said high court as provided by this Act, save as otherwise in this Act provided. R. S. O., 1887, c. 44, s. 41.

Jurisdiction to be exercised according to rules of court.

42. The jurisdction of the high court of justice and the court of appeal, respectively, shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by rules and orders of court now in force or to be made pursuant to this Act; and where no special provisions is con-

tained in this Act or in any such rules or orders with reference thereto, it shall be exercised as nearly as may be in the same manner as prior to the 22nd day of August, 1881. R. S. O., 1887, c. 44, s. 42.

JURISDICTION OF THE COURT OF APPEAL.

Jurisdiction of court of appeal.

43. The court of appeal shall be a superior court of record and shall have appellate jurisdiction in civil and criminal cases; and in civil cases shall have jurisdiction and power to hear and determine appeals from any judgment or order, save as hereinafter mentioned, of the high court, or of any judges thereof, subject to the provisions of this Act, and to such rules and orders of court for regulating the terms and conditions on which appeals shall be allowed, as are now in force or to be made pursuant to this Act. R. S. O., 1887, c. 44, s. 43.

The same.

44 The court of appeal shall also have jurisdiction, as provided elsewhere in these Revised Statutes, and generally shall have all the jurisdiction and power which the said court has heretofore had (save as varied by or under this Act.

Rev. Stat. cc. 47, 137.

(1) In appeals from county and district courts, as provided in *The County Courts Act* and *The Act respecting Infants.*

Rev. Stat. c. 50.

(2) In appeals from surrogate courts, as provided in *The Surrogate Courts Act.*

Rev. Stat. c. 51.

(3) In appeals from division courts or a surrogate judge as provided in *The Division Courts Act.*

Rev. Stat. c. 91.

(4) In appeals from provisional judicial district courts as provided in *The Unorganized Territories Act.*

Rev. Stat. c. 91.

(5) In appeals from stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act.*

Rev. Stat. c. 194.

(6) In appeals from a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act,* as provided in the said Act.

Rev. Stat. c. 119.

(7) In appeals from a judge of a county court, as provided in *The Act respecting Water Privileges.* R. S. O., 1887, c. 44, s. 44.

Jurisdiction in election cases. Rev. Stat. cc. 8-10.

45. The court of appeal shall also have jurisdiction in election cases, as provided by *The Voters' Lists Act, The Ontario Election Act* and *The Controverted Elections Act.* S. O. 1887, c. 44, s. 45.

May quash proceedings: when.

46. The court of appeal shall have power to quash proceedings in cases brought before it, in which appeal does not lie, or where such proceedings are taken against good faith. R. S. O., 1887, c. 44, s. 46.

To make whatever order may be required.

47. The court shall have power to dismiss an appeal, or give any judgment and make any decree or order which ought to have been made, and to direct the issue of any process, or the taking of any proceedings in the court below, or to award restitution and payment of costs, or to make such further or other order as the case may require. R. S. O., 1887, c. 44, s. 47.

Powers of court of appeal.

48. The powers of the court of appeal may be exercised, notwithstanding that the appeal is brought against part only of the judgment of the court below; and may be exercised in favor of all or any of the respondents or parties, although such respondents or parties may not have appealed from, or complained of the judgment. R. S. O., 1887, c. 44, s. 48.

Power of a single judge in court of appeal.

49. In any cause or matter pending before the court of appeal any direction incidental thereto, not involving the decision of the appeal, may be given by a single judge of the court of appeal; and a single judge of the court of appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal, as he may think fit; but every such order made by a single judge may be discharged or varied by the court of appeal or a divisional court thereof. R. S. O., 1887, c. 44, s. 49.

On an appeal from the high court, court of appeal to have all powers of high court.

50. For all the purposes of and incidental to the hearing and determination of any such appeal, and the amendment, execution, and enforcement of any judgment or order made on such appeal, and for the purpose of every other authority given to the court of appeal by this Act, the said court of appeal shall have all the power, authority and jurisdiction by this Act vested in the high court. R. S. O., 1887, c. 44, s. 50.

Jurisdiction subject to rules, etc.

51. The jurisdiction and power of the court of appeal, in respect of the said matters and all others, shall be and are subject to the provisions of this Act, and to such rules and orders of court for regulating the terms and conditions on which such appeals shall be allowed as are now in force or as may be made pursuant to this Act. R. S. O., 1887, c. 44, s. 51.

COUNTY COURT APPEALS.

Appellant from county court not to be required to print case for court of appeal.

51*a*. In no case where an appeal is brought to the court of appeal from a judgment of a county court or the judgment, decision or order of a county court judge, shall any party be required to deliver to the appellate court more than four copies of the appeal book, and the appeal book shall not be required to be printed, but they may be made by type-writing, and they shall be in words at length, the pages to be numbered consecutively, and every tenth line of each page shall be numbered in the margin and shall otherwise be, when type-written, as nearly as may be in the form in which copies of evidence are furnished by shorthand writers for use in the

high court, and the appellant, if costs be awarded to him, shall, for making all the copies of appeal books required to be delivered and served, be entitled to a sum not exceeding at the rate of one dollar for every eight folios of one appeal book. 54 V. c. 12, s. 1.

(2) It shall not be necessary to provide copies of the exhibits in county court appeal books. 54 V. c. 12, s. 2. Exhibits.

RULES OF LAW.

52. In every civil cause or matter commenced in the high court of justice, law and equity shall be administered by the high court and the court of appeal respectively according to the rules following: Law and equity to be concurrently administered.

1. If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right which heretofore could only have been given by a court of equity, the said courts respectively, and every judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the court of chancery in a suit or proceedings for the same or the like purposes properly instituted before the passing of *The Ontario Judicature Act 1881.*

2. The High Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for the Dominion, or the Attorney-General of this Province for a declaration as to the validity of any statute, or any provision in any statute of this Legislature, though no further relief should be prayed or sought; and the action shall be deemed sufficiently constituted if the two officers aforesaid are parties thereto. A judgment in the action shall be appealable like other judgments of the said court. (See sec. 55.) Jurisdiction as to validity of provincial statute.

3. (Subject to appeal as in other cases,) the high court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the court thinks fit Relief against penalties, etc.

4. No appointment, which after the 25th day of March, 1886, is made in exercise of a power to appoint any property, real or personal, among several objects, shall be adjudged to be invalid on the ground Appointment under power.

that any object of the power has been altogether excluded, and an appointment shall be valid and effectual notwithstanding that one or more of the objects shall not thereby or in default of appointment take a share or shares of the property which is subject to the power.

But nothing in this sub-section shall prejudice or affect any provision in any deed, will, or other instrument creating a power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or shall declare some one or more object or objects of the power who shall not be excluded.

Declaratory judgments and orders.

5. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the court may make binding declarations of right, whether any consequential relief is or could be claimed or not. 48 V. c. 13, s. 5.

Equitable claims.

6. If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the said courts respectively, and every judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the court of chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceedings instituted in that court for the same or the like purposes before the passing of *The Ontario Judicature Act 1881.*

7. The said courts respectively, and every judge thereof, shall also have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said courts respectively, or any judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or

matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any rule of court or any order of the court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant.

8. The said courts respectively, and every judge thereof shall recognize and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the court of chancery would have recognized and taken notice of the same in any suit or proceedings duly instituted therein before the passing of this Act.

Restraining causes.

9. No cause or proceeding at any time pending in the high court of justice, or before the court of appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, prior to *The Ontario Judicature Act 1881*, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto:

Provided always, that nothing in this Act contained shall disable either of the said courts from directing a stay of proceedings in any cause or matter pending before it, if it shall think fit; and any person, whether a party or not to any such cause or matter, who would have been entitled, prior to *The Ontario Judicature Act 1881*, to apply to any court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said courts respectively, by motion in a summary way, for a stay of proceedings in such cause or matter either generally, or so far as may be necessary for the purposes of justice; and the court shall thereupon make such order as shall be just.

Stay of proceedings if action for same cause is pending out of Ontario.

10. If any action is brought in the high court for any cause of action for which any suit or action has been brought and is pending between the same parties or their representatives in any place or country out of Ontario, the court or any judge thereof may make an order to stay all proceedings in the high court until satisfactory proof is offered to the court or judge, that the suit or action so brought in such other place or country out of Ontario is determined or discontinued.

Giving effect to legal claims.

11. Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and the other express provisions of this Act, the said courts respectively, and every judge thereof, shall recognize and give effect to all legal claims and demands, and all estates, rights, duties, obligations and liabilities existing by the common law or created by any statute, in the same manner as the same would have been recognized and given effect to, prior to *The Ontario Judicature Act 1881*, by any of the courts then existing and whose jurisdiction is now vested in the high court.

Multiplicity of proceedings to be avoided. All matters in controversy to be determined in one proceeding.

12. The high court of justice and the court of appeal respectively, in the exercise of the jurisdiction vested in them by this Act in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided. R. S. O., 1887, c. 44, s. 52, (1) to (12).

Rules of law upon certain points.

53. The law to be administered in Ontario, as to the matters next hereinafter mentioned, shall be as follows:

Statutes of Limitation not to apply to express trusts.

1. No claim of a *cestui que trust* against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations.

Equitable waste.

2. An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an

intention to confer such right shall expressly appear by the instrument creating such estate.

Merger.

3. There shall not be any merger by operation of law only of any estate, the beneficial interest in which would not prior to *The Ontario Judicature Act 1881*, have been deemed, merged or extinguished in equity.

Actions for possession of land by mortgagors.

4. A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sue for such possession, or sue or distrain for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person, and in that case he may sue or distrain jointly with such other person.

Assignment of debts and choses in action.

5. In case of an assignment of a debt or other chose in action, if the debtor, trustee, or other person liable in respect of the debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the high court under and in conformity with the provisions of law for the relief of trustees.

Stipulations not of the essence of contracts.

6. Stipulations in contracts, as to time or otherwise, which would not before the passing of *The Ontario Judicature Act 1881*, have been deemed to be or to have become of the essence of such contracts in a court of equity, shall receive in all courts the same construction and effect as they would, prior to the passing of said Act, have received in equity.

Satisfaction of obligations by performance in part.

7. Part performance of an obligation, either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration, shall be held to extinguish the obligation.

Injunctions and receivers.

8. A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the court, in all cases in which it shall appear to the

court to be just or convenient that such order should be made; and any such order may be made either unconditionally, or upon such terms and conditions as the court shall think just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the court shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any color of title; and whether the estates claimed by both or by either of the parties are legal or equitable.

Court may award damages, etc.

9. In all cases in which the court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract or agreement or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract, or agreement, the court, if it thinks fit, may award damages to the party injured either in addition to or in substitution for such injunction or specific performance, and such damages may be ascertained in such manner as the court may direct, or the court may grant such other relief as it may deem just.

Purchaser not affected by irregularities orders of court.

10. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, whether with or without notice be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service.

Infants.

11. In questions relating to the custody and education of infants, the rules of equity shall prevail.

Cases of conflict not mentioned.

12. Generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail. R. S. O., 1887, c. 44, s. 53 (1)-(12)

Rules of law to apply to all courts.

54. The several rules of law enacted and declared by this Act shall be in force and receive effect in all courts whatsoever in Ontario, so far as the matters to which such rules relate shall be respectively cognizable by such courts R. S. O., 1887, c. 44 s. 54.

Notice to be given to Minister of Justice and

55.—(1) When in any action or other civil proceeding, the constitutional validity of any Act of the Parliament of Canada or of the Legislature of Ontario comes into question,

the same shall not be adjudged to be invalid until after notice thereof has been served on the Minister of Justice and the Attorney-General of Ontario, or at their offices respectively. General of Ontario before any Act is declared invalid.

(2) The notice in such case shall be entitled in the cause; shall state what the Act or section of an Act is which is in question, and the day on which the case or the said question is to be argued; and shall give such other particulars as are necessary to show the constitutional point proposed to be argued.

(3) The notice shall be served six days before the day of the argument unless a judge authorizes a shorter notice.

(4) Upon every such question the said Minister of Justice and the said Attorney-General shall be entitled as of right to be heard, either in person or by counsel, notwithstanding that the crown is not a party to the action or proceeding. R. S. O., 1887, c. 44 s. 55.

SITTINGS AND DISTRIBUTION OF BUSINESS.

56. The division of the legal year into terms shall be abolished so far as relates to the administration of justice; and there shall not be terms applicable to any sitting or business of the high court, or of any commissioners to whom any jurisdiction may be assigned under this Act, or of any commissioners of assize; but in all cases in which, under the law existing prior to the 22nd day of August, 1881, the terms into which the legal year was divided were used as a measure for determining the time at or within which any act was required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made any lawful authority. R. S. O., 1887, c. 44 s. 56. Abolition of terms.

57.—(1) Subject to rules of court, the high court of justice, and the court of appeal, and the judges thereof respectively, or any such commissioners as aforesaid, shall have power to sit and act at any time and at any place, for the transaction of any part of the business of such courts respectively, or of such judges or commissioners, or for the discharge of any duty which by any statute, or otherwise, is required to be discharged. Sitting of courts.

(2) Subject to the preceding provision the divisional sittings of the high court shall be held at the city of Toronto. R. S. O., 1887, c. 44, s. 57. Where to be held.

58. The Lieutenant-Governor in Council may from time to time, upon any report or recommendation of the council of judges of the supreme court hereinafter mentioned, make, revoke or modify, orders regulating the vacations to be observed Vacations.

by the high court of justice and the court of appeal, and in the offices of the said courts respectively; and any order in council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act; and rules of court may be made for carrying the same into effect in the same manner as if such order in council were part of this Act. R. S. O., 1887, c. 44, s. 58.

Commissions of assize and other commissions.

59. Commissions of assize or any other commissions, either general or special, may be issued, by the proper authority, assigning to the persons to be therein named, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter, depending in the said high court; or the exercise of any civil or criminal jurisdiction capable of being exercised by the said high court; and any commission so issued shall be of the same validity as if it were enacted in the body of this Act; and any commissioner or commissioners shall, when engaged in the exercise of any jurisdiction so assigned to him or them, be deemed to constitute a court of the said high court. R. S. O., 1887, c. 44, s. 59.

Rules of court to provide for distribution of business.

60. All causes and matters in the high court shall be distributed among the several divisions and judges of the said high court, in such manner as may from time to time be determined by any rules of court, or orders of transfer, to be made under the authority of this Act. R. S. O., 1887, c. 44, s. 60.

Business to be disposed of by one judge as far as practicable.

61.—(1) Every action and proceeding in the high court and all business arising out of the same, except as hereinafter provided, shall, so far as is practicable and convenient, be heard, determined, and disposed of, before a single judge.

(2) A judge sitting elsewhere than in a divisional court, is to decide all questions coming properly before him, and is not to reserve any case, or any point in a case, for the consideration of a divisional court.

(3) In all such cases any judge sitting in court shall be deemed to constitute a court. R. S. O., 1887, c. 44, s. 61.

Divisional courts of the high court.

62.—(1) All business which may from time to time be so ordered by rules of court shall be transacted and disposed of by divisional courts of the high court, which shall for that purpose exercise all or any part of the jurisdiction of the said high court.

(2) Any number of such divisional courts may sit at the same time.

(3) A divisional court of the high court shall be constituted by two or three, and no more, of the judges thereof; and, except when through pressure of business or any other cause it may not conveniently be found practicable, shall be composed of three such judges.

(4) Every judge of the high court shall be qualified and empowered to sit in any of such divisional courts.

(5) But where the divisional court is constituted of two judges only, such court shall not hear or adjudicate upon any application against the judgment of either of such judges.

(6) The president of every such divisional court of the high court shall be the senior judge of those present, according to the order of their precedence under this Act or otherwise. R. S. O., 1887, c. 44, s. 62.

Constitution of divisional courts.

63. Divisional courts shall, as far as may be found practicable and convenient, include one or more judge or judges attached to the particular division of the said court to which the cause or matter out of which such business arises has been assigned. R. S. O., 1887, c. 44, s. 63.

Judges to take part in business of any division.

64.—(1) Subject to any rules of court, it shall be the duty of every judge of the high court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other divisional court, to take part, if required, in the sittings of such divisional courts as may from time to time be deemed necessary for the transaction of the business of any of the divisions of the high court.

(2) All such arrangements as may be necessary or proper for that purpose, or for constituting or holding any divisional courts of the said high court for any other purpose authorized by this Act, and also for the proper transaction of that part of the business of the said divisions respectively which ought to be transacted by one or more judges not sitting in a divisional court, shall be made from time to time under the direction and superintendence of the judges of the said high court.

(3) And in case of difference among them, in such manner as a majority of the said judges shall determine. R. S. O., 1887, c. 44, s. 64.

APPEALS.

Orders not subject to appeal.

65. No order made by the high court or any judge thereof, by the consent of parties, or as to costs only which by law are left to the discretion of the court, shall be subject to any appeal, except by leave of the court or judge making such order. R. S. O., 1887, c. 44, s. 65.

Limitation of appeal where amount does not exceed $200.

66. In an action respecting property or civil rights whether for damages or for specific relief, no appeal shall lie from the judgment or order of any divisional court or judge of the high court to the court of appeal without the special leave of the judge or divisional court whose judgment or order is in question, or of the court of appeal unless the title to real estate or some interest therein or the validity of a patent is affected; or unless the matter in controversy on the appeal exceeds the sum or value of $200, exclusive of costs; or unless the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a general or public nature affecting future rights. R. S. O., 1887, c. 44, s. 66.

Limitation of appeal where amount does not exceed $500.

67. In any action respecting property or civil rights, whether for damages or for specific relief, in case there has been no difference of opinion among the judges of the divisional court as to any order of such court, or where on a motion to set aside or discharge a rule, order, or decision of a judge, the order of the divisional court did not substantially vary the rule, order, or decision moved against, no appeal shall lie from the order of the divisional court of the high court to the court of appeal without such leave as aforesaid, unless the title to real estate or some interest therein or the validity of a patent is affected; or unless the matter in controversy on the appeal exceeds the sum or value of $500, exclusive of costs; or unless the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a general or public nature affecting future rights. R. S. O., 1887, c. 44, s. 67.

Appeals from interlocutory orders.

68. There shall be no appeal to a divisional court from any interlocutory order, whether made in court or chambers, in case prior to *The Ontario Judicature Act 1881*, there would have been no relief from a like order by an application to a superior court; and there shall be no appeal to the court of appeal from any interlocutory order in case prior to *The Ontario Judicature Act 1881*, there would have been no relief from a like order by an appeal to the court of appeal. Any doubt which may arise as to what orders, or judgments, are interlocutory, shall be determined by the court of appeal. R. S. O., 1887, c. 44, s. 68.

Discharging orders made by a single judge.

69. Save as aforesaid, every rule, order, or decision made by a judge of the said high court in chambers, may be set aside or discharged upon notice by any divisional court; and no further appeal shall lie to the court of appeal from the divisional court unless by special leave of the said court or of the court of appeal. R. S. O., 1887, c. 44, s. 69.

70. Save as aforesaid and subject to the other provisions of this Act, any judgment, rule, order or decision of a divisional court, or of a judge in court, may be appealed against to the court of appeal. R. S. O., 1887, c. 44, s. 70.

Appeal from decision of a divisional court, or a judge in court.

71. No appeal to the court of appeal shall be allowed unless notice thereof is given in writing to the opposite party and to the registrar of the division in which the proceedings are filed, within one month after the judgment complained of, or within such further time as the high court, or a judge thereof, may allow; nor unless within three months after the judgment complained of or within such further time as the court or judge aforesaid may allow, the appellant gives proper security to the extent of $400 to the satisfaction of the said court or a judge, that he will effectually prosecute his appeal, and pay such costs and damages as may be awarded in case the judgment appealed from is in whole or in part affirmed. R. S. O., 1887, c. 44, s. 71.

No appeal unless proper notice and security given.

72. If at the time of the receipt by the sheriff of a *fiat* to stay execution, or of a copy thereof, the money has been made or received by him but not paid over to the party who issued the execution, the party appealing may demand back from the sheriff the amount made or received under the execution, or so much thereof as is in his hands not paid over, and in default of payment by the sheriff upon such demand, the appellant may recover the same from him in an action for money had and received. R. S. O., 1887, c. 44, s. 72.

Execution may be superseded, or payment of money levied be withheld.

LIMITATION OF TIME FOR APPEALING.

73. Subject to the provisions of this Act all appeals from a judgment, decision, rule or decretal order of the high court, shall be brought to hearing within one year after the giving of the judgment, decision, rule or order, or within such further time as the court of appeal may allow. R. S. O., 1887, c. 44, s. 73.

Time within which appeals from judgments or decretal orders must be brought to a hearing.

74. If the appeal is from an interlocutory order, not being a decretal order, then the appellant shall bring the same to a hearing within six months from the pronouncing of the same, or within such further time as may be allowed for the purpose by the court of appeal, upon special grounds shown to the satisfaction of the court or judge granting the same. R. S. O., 1887, c. 44, s. 74.

Time within which appeals from interlocutory orders must be brought to a hearing.

75. The time limited for appealing from a judgment or order, which under any general orders of the court of chancery still remaining in force, does not become absolute upon the same being pronounced, shall be computed from the time when the same does become absolute. R. S. O., 1887, c. 44, s. 75.

Time to be reckoned from the judgment or order becoming absolute.

MEDICAL EXAMINATIONS IN ACTIONS FOR BODILY INJURY.

Medical examination where damages claimed for bodily injury.

75*a*. In any action brought to recover damages or other compensation for or in respect of bodily injury sustained by any person, a judge of the court wherein the action is pending, or any person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury, damages or compensation is sought shall submit to be examined by a duly qualified medical practitioner who is not a witness on either side, and may make such order respecting such examination and the costs thereof as he may think fit; provided always that the medical practitioner named in any such order shall be selected by the judge making the order, and provided moreover, that such medical practitioner may afterwards be a witness on the trial of any such action unless the judge before whom the action is tried shall otherwise direct. 54 V. c. 11, s. 1.

Proviso.

TRIAL AND PROCEDURE.

Certain actions for torts to be tried by a jury.

76. In actions of libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, all questions which might heretofore have been tried by a jury, shall be tried by a jury, unless the parties in person or by their solicitors or counsel, waive such trial. R. S. O., 1887, c. 44, s. 76.

Cases formerly within exclusive jurisdiction of court of chancery.

77. Subject to rules of court, all causes matters and issues over the subject of which prior to *The Administration of Justice Act* of 1873, the court of chancery had exclusive jurisdiction, shall be tried without a jury, unless otherwise ordered. R. S. O., 1887, c. 44, s. 77.

Other issues to be tried and damage assessed by judge alone.

78.—(1) Subject to rules of court, all causes, matters and issues other than aforesaid, and the assessment or enquiry of damages therein may, and (subject to the provisions of section 80) in the absence of such notice as in sub-section 2 of this section mentioned shall be heard, tried and assessed by a judge without a jury.

Unless jury notice given or court or judge otherwise directs.

(2) If any of the parties desires the issues of fact to be tried or damages to be assessed or enquired of by a jury, he shall, at least eight days before the sittings at which the action is to be tried, or within such other time as may be ordered by the court or a judge, file and serve on the opposite party a notice in writing to the effect following, that is to say:

"The Plaintiff (*or one or more of them or* the Defendant, *or one or more of them as the case may be*) requires that the issues in this cause be tried (*or* the damages assessed) by a jury,"

and a copy of the notice shall be attached to the record or certified copy of the pleadings prepared for the judge. R. S. O., 1887, c. 44, s. 78.

79.—(1) Where any one of the parties has given such notice requiring a jury, the issues of fact therein shall (subject to the provisions of section 80) be tried and determined or the damages assessed by the unanimous verdict of twelve jurors duly sworn for the trial of such issues or for the assessment of such damages. Effect of notice requiring a jury.

(2) The parties present at the trial may consent that the said notice shall be waived, and the case tried and damages assessed by the judge, and may endorse a memorandum of such consent upon the record, and thereupon the judge may try the issues or assess the damages without a jury. R. S. O., 1887, c. 44, s. 79. Parties may waive notice.

79*a*. If at the trial of any action or issue or assessment of damages now pending, or hereafter brought, a juror should die or become incapacitated by illness or any other cause from continuing to sit or act on the jury, the presiding judge may, on such terms as he thinks fit, direct the trial or assessment to proceed, and the verdict of the remaining eleven persons shall be as good and valid as if rendered by all the jurors originally empanelled. 53 V., c. 20, s. 2. Death or illness of juror during trial.

80. Notwithstanding anything in the next preceding two sections contained, the judge presiding at the trial may in his discretion direct that the action or issues shall be tried or the damages assessed by a jury ; and upon application to the court in which the action is pending, or to a judge thereof, by an order made before the trial, or by the direction of the judge presiding at the trial, the issues may be tried and damages assessed without a jury. R. S. O., 1887, c. 44, s. 80 Judge may direct trial by jury, or without a jury.

PLEADINGS IN ACTIONS ON FOREIGN JUDGMENTS.

81. In any suit brought in Ontario on a judgment or decree obtained in the Province of Quebec in a suit in which the service of process on the defendant or party sued has been personal, no defence that might have been set up to the original suit shall be pleaded to that brought on the judgment or decree. R. S. O., 1887, c. 44, s. 81. Suit upon judgment in Quebec, where service was personal.

82. In any suit brought in Ontario on a judgment or decree obtained in the Province of Quebec in a suit in which personal service was not obtained and in which no defence was made, any defence that might have been set up to the original suit may be made to the suit on the judgment or decree. R. S. O., 1887, c. 44, s. 82. Suit upon judgment in Quebec, where the service was not personal.

VERDICT.

83. Upon a trial by a jury, where the court or the presiding judge otherwise directs, it shall not be lawful for the jury to give a general verdict, and it shall be the duty of the Court may direct jury to give a special verdict, except in actions for libel.

jury to give a special verdict if the court or presiding judge so directs; and unless the court or the presiding judge otherwise directs, the jury may give either a general or a special verdict; but this section shall not apply to actions of libel. R. S. O., 1887, c. 44, s. 83.

In certain cases the jury may be directed to answer questions, and on the answers the judge shall enter verdict.

84. Upon a trial by jury, in any case except an action for libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, the judge, instead of directing the jury to give either a general or a special verdict, may direct the jury to answer any questions of fact stated to them by the judge for the purpose; and in such case the jury shall answer such questions, and shall not give any verdict; and, on the finding of the jury upon the questions which they answer, the judge shall direct judgment to be entered. R. S. O., 1887, c. 44, s. 84.

INTEREST.

Interest may be allowed where it has been usual.

85. Interest shall be payable in all cases in which it is now payable by law, or in which it has been usual for a jury to allow it. R. S. O., 1887, c. 44, s. 85.

When allowed on debts certain and overdue.

86.—(1) On the trial of any issue, or any assessment of damages, upon any debt or sum certain, payable by virtue of a written instrument at a certain time, interest may be allowed to the plaintiff from the time when the debt or sum became payable.

(2) If payable otherwise than by virtue of a written instrument at a certain time, interest may be allowed from the time when a demand of payment is made in writing, informing the debtor that interest will be claimed from the date of the demand. R. S. O., 1887, c. 44, s. 86.

When by way of damages in certain actions.

87. In actions for conversion of goods or for trespass *de bonis asportatis*, the jury may give interest in the nature of damages over and above the value of the goods at the time of the conversion or seizure, and in actions on policies of insurance may give interest over and above the money recoverable thereon. R. S. O., 1887, c. 44, s. 87.

Interest on judgments.

88. Unless it is otherwise ordered by the court, a verdict or judgment shall bear interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, notwithstanding that the entry of judgment upon the verdict, or upon the giving of the judgment, shall have been suspended by any proceedings in the action, whether in the court in which the action is pending or in appeal. R. S. O., 1887, c. 44, s. 88.

SITTINGS FOR TRIALS.

Sittings for trial of causes.

89.—(1) Subject to rules of court, as often in every year as the due despatch of business and the public convenience may require there shall be sittings of the high court at every county town for the trial of causes, matters and issues, whether legal or equitable, in all divisions of the high court, which are to be heard and determined by a judge without a jury, and also for the trial of causes, matters and issues in all divisions of the High Court which are to be tried with a jury, and for the trial of criminal matters and proceedings; and in case such first mentioned sittings are appointed at any county town for the same time and before the same judge as jury cases, separate lists shall be made of the jury and non-jury cases, and the jury cases shall first be disposed of, unless the judge sees fit to direct otherwise.

(2) The judges of the supreme court of judicature, or a majority of them, shall appoint the days upon which such sittings shall be held. R. S. O., 1887, c. 44, s. 89.

Judges to appoint days for holding courts of assize.

90.—(1) Sittings of the high court for the trial of causes, matters and issues shall be held at the county town of every county and union of counties in each year between the Hilary and Easter sittings of the high court, and between the 1st day of September and the Michaelmas sittings. R. S. O., 1887, c. 44, s. 90 (1).

Sault Ste. Marie, Port Arthur, Rat Portage.

(2) Two of such sittings shall ordinarily be held in each year at Sault Ste. Marie, Port Arthur and Rat Portage respectively, on such days as may from time to time be appointed therefor by the judges of the supreme court of judicature, or a majority of them, but if the said judges, on inquiry, ascertain on any occasion that any of such sittings are not required for the administration of justice, it shall not be necessary to appoint a day for holding the same. 56 V. c. 11, s. 3.

(*a*) No such sitting is to be held in long vacation. 56 V. c. 11, s. 3 (2.)

York.

(3) In addition to the said sittings so to be held at the county town of the county of York, there shall in every year be held at such county town a third such sittings between the said Michaelmas and Hilary sittings, and a fourth such sittings between the said Easter sittings and the 1st day of July, but if the said judges, on inquiry, ascertain that such sittings for any year are not required for the administration of justice, it shall not be necessary to hold the same or to appoint a day for holding the same. R. S. O., 1887, c. 44, s. 90 (3); 57 V. c. 19, s. 1.

Carleton.

(4) In addition to the said sittings so to be held at the county town for the county of Carleton, there shall be held at

such county town a third such sittings for the trial of civil causes, matters and issues, and criminal matters and proceedings, or of civil causes, matters and issues only, in each and every year between Michaelmas and Hilary sittings on such days as may be appointed by the judges of the high court or a majority of them. 53 V. c. 15, s. 1.

(5) In addition to the sittings so to be held at the county towns of the counties of Wentworth and Middlesex, there shall be held at each of such county towns a third such sittings for the trial of civil causes, matters and issues and criminal matters and proceedings, or of civil causes, matters and issues only, in each and every year between said Michaelmas and Hilary sittings.

(6) In addition to the regular sittings to be held under subsection 1 of this section, a third such sittings may be appointed if the judges of the supreme court, or a majority of them, shall see fit for the trial of civil causes, matters and issues and criminal matters and proceedings, or of civil causes, matters and issues only, to be held at the county town of any county in the province between said Michaelmas and Hilary sittings of the high court. R. S. O., 1887, c. 44, s. 90, (4), (5).

Judges may appoint sittings in any county for issues to be tried without a jury.

91. The judges of the supreme court may appoint sittings of the high court in any county in the province, as often and at such times as they see fit, for the trial of causes which are to be tried by a judge without a jury. R. S. O., 1887, c. 44, s. 91.

Separate sittings for civil and criminal matters.

92. The sittings of the high court for the trial of civil causes, matters and issues in any county may, in the discretion of the judges appointing the days therefor, or of the judge who has been appointed to preside or is presiding thereat, be held separate and apart from the sittings for the trial of criminal matters and proceedings, either on the same day or on a different day. R. S. O., 1887, c. 44, s. 92.

Place in county town where court to be held.

93. Such sittings may, at the discretion of the court or of the judge who is to hold the same, be held in the court house of the county town in which the same are appointed to be held, or in such other place in the county town as the judge selects; and the judge shall in all respects have the same authority as a judge formerly had when sitting at nisi prius in regard to the use of the court house, gaol and other buildings or apartments set apart in the county for the administration of justice. R. S. O., 1887, c. 44, s. 93.

Who may preside.

94.—(1) Such sittings shall be presided over by one of the judges of the supreme court; or in their absence by a retired judge of the supreme court or by a judge of any county court in Ontario, or by one of Her Majesty's counsel learned in the law appointed for Upper Canada, or for the Province of

Ontario, upon such judge or counsel being requested by a judge of the supreme court to attend for that purpose.

(2) Such judge or counsel while holding the sitting shall possess, exercise and enjoy all the powers and authorities of a judge of the high court, and in civil proceedings may reserve the giving of his decision on questions raised at the trial; and such decision shall have the like force and effect as the decision of a judge of the high court. R. S O., 1887, c. 44, s. 94.

ABSENCE OF JUDGE AT THE OPENING OF ASSIZES.

Course to be pursued by the sheriff if the judge of assize does not arrive on the day appointed for opening court.

95. Where the judge whose duty it is to hold any sittings of the high court for the trial of civil cases, matters and issues and for the trial of other matters and proceedings within the jurisdiction of the Provincial Legislature, does not arrive in time, or is not able to open such court on the day appointed for that purpose, the sheriff of the county in which such court should be holden, or, in his absence, his deputy, may, after the hour of six of the clock in the afternoon of such day, adjourn by his proclamation, the court which should have been opened on that day, to an hour on the following day to be by him named, and so from day to day until the judge arrives to open such court, or until such sheriff receives other direction from the judge in that behalf. R. S. O. 1887, c. 44, s. 95; 52 V, c. 10, s. 3.

Sittings to commence at one o'clock in the afternoon.

29*a*. The sittings of the high court for the trial of jury and non-jury cases shall not open earlier than one of the clock in the afternoon on the first day of the sittings, but this shall not prevent a non-jury trial being begun before one of the clock with the consent of the parties and of the judge. 57 V., c. 20, s. 12.

TRIAL OF SUPERIOR COURT CASES IN COUNTY COURTS, AND COUNTY COURT CASES BEFORE HIGH COURT.

Certain cases in high court may be tried in the county court of the county in which the *venue* is laid.

96.—(1) All issues of fact and assessments of damages in the high court relating to debt, covenant and contract, where the amount is liquidated or ascertained by the signature of the defendant, may be tried and assessed in the county court of the county where the trial is to take place, if the plaintiff desires it, unless a judge of the high court otherwise orders, and upon such terms as he deems meet.

(2) In such case the action shall be entered for trial, notice of trial shall be given, and the trial take place in the same way as in ordinary cases in such county court.

Certain cases in the high court may be sent to be tried at the county court

(3) In any action in the high court, in which the amount of the demand is ascertained by the signature of the defendant, and in any action for any debt in which a judge of the said high court is satisfied that the case may safely be tried in a county court, any judge of the high court may

of the county in which the action is brought.

order that such case shall be tried in the county court of the county where such action was commenced, and such action shall be tried there accordingly, and the record shall be made up as in other cases; and the order directing the case to be tried in the county court shall be left with the clerk of the county court on entering the action for trial, annexed to the certified copy of the pleadings for the judge; and the trial shall take place in the same way as in ordinary cases in such county court. R. S. O., 1887, c. 44, s. 96.

Proceedings in such case

By order county court cases may be tried at high court sittings.

97.—(1) By the order of a judge of the high court, made upon such terms as the judge may consider just, the issues of fact and assessment of damages in any action pending in a county court may be tried and assessed at the sittings of the high court at any county town.

(2) In such cases the action shall be entered and the case tried as in ordinary cases. R. S. O., 1887, c. 44, s. 97.

Powers of county court as to awards when judge refers to arbitration, etc.

98. Where any such cause is referred by the presiding judge at such sittings, the county court in which the action is brought, and the judge thereof, shall have the same power to enforce any award, report or certificate made on the reference, and to make rules and orders upon appeals therefrom and motions relating thereto, as if the order referring the case had been made by the county judge. R. S. O., 1887, c. 44, s. 98.

Books for judge's notes of trial, etc.

99. The clerks of the several county courts shall provide books in which the judges presiding at the sittings of the high court, where cases brought in any county court are tried or assessed under this Act, may enter their notes of such trials and assessments; and such books, immediately after the trials or assessments, shall be returned to the said clerks and shall remain in their offices. R. S. O., 1887, c. 44, s. 99.

Fees to officers.

100. The jury fees and the fees and charges payable and pertaining to officers of the county courts, upon all actions or proceedings brought in the county courts, and tried or assessed in the high court, shall be chargeable and paid as if the same were being tried or assessed in the county courts; and no other fees shall be chargeable thereon, and the clerk of a county court shall be entitled to receive and take such part thereof as pertains to him, to his own use. R. S. O., 1887, c. 44, s. 100.

Witness Fees.

Fees of professional persons giving evidence and certain officers producing documents.

100*a*. Where upon the trial of any action or proceeding any person is subpœnaed as a witness, and gives evidence, who is entitled under any statute or rule of court or other provision having the force of law in this province, to receive an increased witness fee for evidence given by him in his profes-

sional capacity, or as an expert, no greater fee shall be allowed to such witness on any taxation of costs than those payable to witnesses in other cases, unless the judge or other officer before whom such action or other proceeding was tried shall certify that the evidence given by such witness was of an expert or professional character or was produced on account of the skill or professional knowledge possessed by such witness; and no public official or other witness subpœnaed or called upon to produce before any court or other tribunal any public or other document shall be entitled to more than ordinary witness fees, anything in the rules of court or tariffs prescribed thereunder to the contrary notwithstanding. 57 V. c. 25, s. 1.

Sittings of high court at Ottawa and London.

100*b*. Sittings of the high court of justice shall be held at Ottawa and London respectively at least one day in each week except during the long and Christmas vacations; and all proceedings in any action or matter in the said court which may be heard and disposed of before a single judge in court, or by a judge in chambers (not including such proceedings as may in the first instance be heard and disposed of by the master in chambers or local judge), may be heard and determined at such weekly sittings in the cases following:

Matters which may be heard at such sittings.

(1) Where the solicitors for all parties reside in the county in which the sittings are held;

(2) Or where such solicitors who do not so reside shall consent in writing under their hands, to the proceeding being heard at the said sitting;

(3) Or where such solicitors as do not so reside or so consent as aforesaid shall have registered their names in the book to be kept as hereinafter provided;

(4) Or where the solicitors for all parties are so resident or consent as aforesaid with the exception of the solicitor for the party an whose behalf and at whose instance the proceeding is being taken;

(5) Or where the party making and entitled to make an *ex parte* motion sees fit to make it at said sittings;

(6) Or where any rules of court made hereafter, or where any court or judge, may direct any proceedings to be heard at such sittings. 57 V. c. 20, s. 1.

Notice of matters to be heard at sittings.

100*c*. To avoid the necessity of a judge attending when there is no business, all proceedings to be brought on at any weekly sittings shall be entered for that purpose with the registrar on or previously to the day next but one before the day appointed for the sittings; and it shall be the duty of the registrar on the evening of the last day for making such entries to notify by mail or telegraph the registrar of the chancery division of the high court at Toronto, or any other

officer of the high court named for this purpose from time to time by the court, as to whether any and what business has been so entered, and the said registrar or other officer shall forthwith by note in writing inform the judge appointed to attend at such sittings; and if no business has been so entered it shall not be necessary for any judge to attend. 57 V. c. 20, s. 2.

Form of declaration by solicitors desiring to be registered.

100*d*. Solicitors desiring to be registered shall file with the deputy clerk of the Crown or local registrar at the place of such sittings a request to the effect following:

I (*or* in the case of a firm, we) hereby request the deputy clerk of the Crown (*or* local registrar) of the high court at Ottawa (*or* London) to register my (*or* our) name as consenting to the hearing and disposal at the sittings of the high court at Ottawa (*or* London *as the case may be*) of all proceedings in which I (*or* we) may be acting as solicitor (*or* solicitors) as provided by the *Act to facilitate the local Administration of Justice in certain cases*. 57 V. c. 20, s. 3.

Duties of deputy clerks.

100*e*. The deputy clerk of the Crown or local registrar at Ottawa and London respectively shall in regard to matters under sections 100*b* to 100*g* of this Act perform the duties pertaining to the clerk of records and writs and the registrar or clerk in court or chambers at Osgoode Hall. 57 V. c. 20, s. 4.

"Consent register."

100*f*. A book to be called "The Middlesex (*or* Carleton) consent register" shall be kept by the deputy clerk of the Crown or local registrar at Ottawa and London respectively, wherein shall be recorded such requests as aforesaid and the names of the local agents (if any) of the solicitors filing the said request; and such solicitors so registered shall be deemed to have consented to the hearing at the said sittings of any proceeding that may lawfully be made thereat.

(2) This book shall be open to inspection by any solicitor or his clerk without fee or reward

(3) A solicitor who files such request may at any time withdraw the same by giving to the same officer notice in writing to that effect as respects future actions. In respect of actions begun before such withdrawal the order of a judge made on notice shall be necessary. The local registrar upon receiving such notice of withdrawal or such order of a judge shall forthwith make an entry thereof in the said book.

(4) A judge holding any such sittings shall take judicial notice of the said book and the entries therein. 57 V. c. 20, s. 5.

"Proceedings," what to include.

100*g*. Proceedings under the sections 100*b* to 100*g* inclusive of this Act shall be deemed to include motions, petitions special cases appeals and other proceedings and matters gener-

ally, which by the law and practice of the said court may be heard and disposed of by a single judge in court as aforesaid. 57 V. c. 20, s. 6.

Fees.

100*h*. Where proceedings are taken under the provisions of sections 100*b* to 100*g* of this Act no greater fees shall be taxed as between party and party or between solicitor and client than would have been taxable had such proceedings been carried on in accordance with the previously existing practice. 57 V. c. 20, s. 7.

Where judge unable to attend on the day fixed.

100*i*. Where the judge whose duty it is to hold such sittings is not able to hold the same on the day appointed for that purpose, such sittings may be presided over by some other judge of the high court or by a judge of any county court in Ontario, or by one of Her Majesty's counsel learned in the law appointed for Upper Canada or for the Province of Ontario upon such judge of a county court or counsel being requested by a judge of the high court to attend for that purpose.

(2) Such judge or counsel while holding the sittings shall possess all the powers and authorities of a judge of the high court. 57 V. c. 20, s. 8.

100*j*. Until rules of court, specially applicable to sections 100*a* to 100*i* of this Act are made, the present rules, relating to setting down and giving notice of motions and other matters before a judge in court, or in chambers in Toronto, shall *mutatis mutandis* apply to proceedings under said sections. 57 V. c. 20, s. 10.

OFFICIAL REFEREES AND ASSESSORS.

References and assessors.

101 —(1) Subject to any rules of court and to such right as may exist to have particular cases submitted to the verdict of a jury, any question arising in any cause or matter before the high court of justice or before the court of appeal, may be referred by the court or by any divisional court or judge before whom such cause or matter may be pending, for inquiry and report to a judge of a county court, or to an official referee, or to any other person agreed on by the parties ; and the report of such referee may be adopted wholly or partially by the court, and may (if so adopted) be enforced as a judgment by the court.

(2) The high court, or any divisional court or judge as aforesaid, or the court of appeal, may also, in any such cause or matter as aforesaid in which it may think it expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear such cause or matter wholly or partially with the assistance of such assessors.

(3) The remuneration, if any, to be paid to such referees or assessors shall be determined by the court. R. S. O., 1887, c. 44, s. 101.

Power to direct trials before referees.

102.—(1) In any cause or matter before the said high court, (1) in which all parties interested who are under no disability consent thereto, and (2) without such consent in any such cause or matter requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the court or a judge conveniently be made before a jury, or conducted by the court or judge directly, the court or a judge may at any time, on such terms as may be thought proper, order any question or issue of fact, or any question of account arising in the cause or matter, to be tried either before a judge of a county court, or before an official referee, or (if the parties so agree) before a special referee.

(2) All such trials before referees shall be conductad in such manner as may be prescribed by rules of court and subject thereto in such manner as the court or judge ordering the same shall direct. R. S. O., 1887, c. 44, s. 102.

Power of referees and effect of their findings.

103. In all cases of a reference to or trial by referees under this act, the referees shall be deemed to be officers of the court, and shall have such authority for the purpose of the reference or trial as shall be prescribed by rules of court, or (subject to such rules) by the court or judge ordering such reference or trial; and the report of any referee upon any question of fact on any such trial shall, unless set aside by the court, be equivalent to the verdict of a jury. R. S. O., 1887, c. 44, s. 103.

Powers of court with respect to proceedings before referees.

Rev. Stat., c. 53.

104. With respect to all such proceedings before referees and to their reports, the court or judge shall have, in addition to any other powers, the like powers as by *The Act respecting Arbitrations and References* are given to the high court with respect to references to arbitration and proceedings before arbitrators and their awards and appeals therefrom respectively. R. S. O., 1887, c. 44, s. 104.

RULES OF COURT.

Judges of supreme court may make rules.

105.—(1) The supreme court may at any time, with the concurrence of a majority of the judges thereof present at any meeting held for that purpose, alter and annul any rules of court for the time being in force, and may make any further or additional rules of court for carrying this Act into effect, and in particular for all or any of the following matters that is to say:

(*a*) For regulating the sittings of the high court of justice and the court of appeal, and of any divisional

or other courts thereof respectively, and of the judges of the said high court sitting in chambers;

(*b*) For regulating the pleading, practice, and procedure in the high court of justice and court of appeal;

(*c*) For the hearing of appeals from county courts, or a judge of a county court, from provisional judicial district courts or a judge of such court, from surrogate courts, stipendiary magistrates, or division courts, by any two or more of the judges of the supreme court, instead of the same being heard by the court of appeal, or a judge thereof, (as the case may be); and for regulating the selection of the judges of the supreme court, who shall hear such appeals, and for regulating all matters relating to the practice of such appeals;

To empower master in chambers, etc, to make orders.

(*d*) For empowering the master in chambers, or any referee sitting for him, or the judges of the county courts, other than the judge of the county of York, or the local masters in respect of actions brought in their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as by virtue of any statute or custom, or by the rules of practice of the high court, are now or may be hereafter done, transacted or exercised by a judge of the high court sitting at chambers, and as shall be specified in any such rule, except in respect of matters relating to—

1. The liberty of the subject;
2. Appeals and applications in the nature of appeals;
3. Proceedings under *The Act respecting Lunatics*; Rev. Stat., c. 54.
4. Applications for advice under the *Trustee Acts*; Rev. Stat., c. 110.
5. Matters affecting the custody of children; and
6. Proceedings under section 32 of this Act

(*e*) Generally, for regulating any matters relating to the practice and procedure of the said courts respectively, or to the duties of the officers thereof, or of the said supreme court, or to the costs of proceedings therein; and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors, and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting the said courts.

(*f*) Subject to the approval of the Lieutenant-Governor in Council, to make rules from time to time regulating all fees payable in stamps.

(2) Where any provisions in respect of the practice or procedure of any courts, the jurisdiction of which is vested by this Act in the high court, are contained in any statute, rules of court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the high court, unless, in the case of any Act hereafter passed, this power shall be expressly excluded.

(3) Any provisions relating to the payment, transfer or deposit into, or in, or out of any court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

(4) All rules of court made in pursuance of this section shall from and after they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this section. R. S. O., 1887, c. 44, s. 105.

Judges of court of appeal may make rules.

106. Subject to any rules of court which may be made under the provisions of the preceding section, the judges of the court of appeal, or a majority of them, may from time to time make such general rules and orders for fixing the costs to be allowed in respect of proceedings in the said court, and for regulating the different proceedings in appeal, and generally for the effectual execution of this Act and the intention and object thereof in regard to the practice in appeals as to them may seem expedient; and may also from time to time alter and amend any of the existing rules or any rules made under the authority of this Act, and make other rules instead thereof; and until such rules are made, the present rules and the existing practice and mode of proceeding in the court shall continue in force. R. S. O., 1887, c. 44, s. 106.

Judges of high court may make rules.

107. The judges of the high court or any four of them, of whom two of the presidents of the divisions of the high court shall be two, shall, as regards matters in the high court, have power to made general rules from time to time for the regulation of the practice of the high court. R. S. O., 1887, c. 44, s. 107.

Lieut-Governor in Council may authorize certain judges to make rules.

108. The Lieutenant-Governor in Council may from time to time authorize the following persons, viz.: the chief justice of Ontario, the chief justice of the Queen's bench, the chancellor, the chief justice of the common pleas, and any one or more of the other justices of the supreme court, to make rules of court under this Act; every such appointment to continue for such time as shall be specified by order in council, and the judges so appointed, or any three of them, may

make such rules, and the same shall have the same effect as if made by all the judges of the supreme court, under section 105. R. S. O., 1887, c. 44, s. 108.

Authority to make rules of court for district courts.

108*a*. The judges of the supreme court and of the high court, respectively, shall have the same authority to make rules of court with respect to district courts as they have with respect to the high court and to county courts, and the judges authorized as mentioned in section 108 of this Act shall, with respect to district courts, have the like authority. 52 V. c. 10, s. 12.

Council of judges to consider procedure and administration of justice.

109. A council of the judges of the said supreme court, of which due notice shall be given to all the said judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lieutenant-Governor, for the purpose of considering the operation of this Act and of the rules of court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the high court of justice or the court of appeal, or any other court, or by any other authority; and they shall report annually to the Lieutenant-Governor what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provision (if any) which cannot be carried into effect without legislative authority it would be expedient to make for the better administration of justice; an extraordinary council of the said judges may also at any time be convened by the Lieutenant-Governor. R. S. O., 1887, c. 44, s. 109.

Provision for saving of existing procedure where not inconsistent with this Act or rules of court.

110. Save as by this Act or by any rules of court may be otherwise provided, all forms and methods (as nearly as may be) of procedure which, prior to the 22nd day of August, 1881, were in force in any of the courts whose jurisdiction then became vested in the said high court, under and by virtue of any law, general order, or rule whatsoever, and which are not inconsistent with this Act or with any rules of court—may continue to be used and practised in the said high court of justice, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable prior to the said date in the respective courts of which the jurisdiction became so vested. R. S. O., 1887, c. 44, s. 110.

OFFICERS AND OFFICES.

Registrar may be appointed for the court of appeal.

111.—(1) The Lieutenant-Governor in Council may from time to time appoint a suitable person to be the registrar of the court of appeal.

Fees of registrar to form part of con. rev. fund.

(2) The said registrar shall not take for his own use or benefit, directly or indirectly, any fee or emolument save the salary to which he is entitled by law; and all fees received by him on account of the said office shall form part of the consolidated revenue fund, and shall be payable in stamps, subject to *The Act respecting Law Stamps*. R. S. O., 1887, c. 44, s. 111.

Rev. Stat. c. 22.

Appointment of masters, etc.

112.—(1) The Lieutenant-Governor may from time to time appoint a master in ordinary, a master in chambers, an accountant of the supreme court and two or more taxing officers.

(2) Subject to orders of the Lieutenant-Governor in Council, the said officers and the local masters shall be officers of the supreme court and attached thereto. R. S. O., 1887, c. 44 s. 112.

Appointment of clerk of process, etc.

113. The Lieutenant-Governor may from time to time appoint one clerk of the process for the high court, one registrar for each of the divisions of the high court; and one clerk of records and writs and one assistant registrar, to be attached to the chancery division; and also such other clerks and officers as the business of the court may, from time to time, require; and such officers and clerks shall, in addition to any of the duties usually performed by the like officers and clerks, perform such duties as may by rules of the supreme court or the high court be provided, or as the division of the high court to which such officers are attached, may from time to time direct. R. S. O., 1887, c. 44, s. 113.

Duties.

Officers to remain attached to their several divisions.

114.—(1) Subject to orders of the Lieutenant-Governor in Council, all officers attached to the various divisions of the high court shall remain and continue to be attached to the division respectively to which they are now attached.

(2) Where a doubt exists as to the position under this Act of any existing officer attached to any court or judge affected by this Act, such doubt may be determined by rule of court.

(3) The Lieutenant-Governor in Council shall have the power and (subject to any order in council) the judges of the said supreme court shall have power to change the official names of offices and officers, and to change and regulate the duties of the officers. R. S. O., 1887, c. 44, s. 114.

Distribution of business among officers.

115. Subject to any order in council in that behalf, the business to be performed in the high court and in the court of appeal respectively, or in any divisional or other court thereof, or in the chambers of any judge thereof, other than that performed by the judges, shall be distributed among the several officers attached to the said courts by the preceding section in such manner as may be directed by rules of court; and such officers shall perform such duties in relation to such

business as may be directed by rules of court ; and, subject to such order in council and rules of court, all such officers respectively shall continue to perform the same duties, as nearly as may be, and in the same manner as if this Act had not passed. R. S. O., 1887, c. 44, s. 115.

116. Orders made by the master in chambers, or other officer mentioned in sub-section (*d*) of section 105, shall be as valid and binding on all parties concerned as if made or given by a judge in chambers. R S. O., 1887, c. 44, s. 116.

Oath of officers.

117.—(1) Every officer of the court hereafter appointed before he enters upon his duties shall take and subscribe the following oath :—

"I, *A. B.* of ———, do hereby solemnly swear that I will, according to the best of my skill, learning, ability and judgment, well and faithfully execute and fulfil the duties of the office (*as the case may be*) without favor or affection, prejudice or partiality, to any person or persons whomsoever. So help me God."

(2) When not convenient to a person appointed to any office to attend at Toronto to take the oath of office, the oath may be taken before the judge of the county court of the county in which the officer resides, or before a commissioner authorized to administer affidavits in such county, and the oath shall be certified by the judge or commissioner and filed amongst the records of the court at Toronto. In all other cases the oath shall be administered to the officer by the judge in open court. R. S. O., 1887, c. 44, s. 117.

Officers to give security.

118. The clerk of the process, the registrars of the Queen's bench and common pleas divisions, and the deputy clerks of the crown and pleas, shall within one month next after their appointment, give security to Her Majesty, in such sum, and with so many sureties, and in such form as the Lieutenant-Governor in Council directs, conditioned respectively, for the due performance of the duties of their office. R. S. O., 1887, c. 44, s. 118.

Consequences of neglecting to do so.

119. The neglect by any such registrar or deputy clerk to give such security shall render his appointment void ; but the forfeiture of office shall not affect any act done by him during the time he actually continues to hold his appointment. R. S. O., 1887, c. 44, s. 119.

Who to approve of the sureties.

120. The Lieutenant-Governor shall in his discretion approve of the security and sureties so given by each registrar, and the judge of the county court having first certified his approval in writing, of the security and sureties given by the deputy clerk of the crown for his county, the Lieutenant-Governor shall in his discretion approve of the security and sureties so given by such deputy clerk ; and such securities, when

To be recorded and deposited as provided by Rev. Stat. c. 15.

executed and approved, shall be duly recorded in the manner provided by *The Act respecting Public Officers*, and shall then be deposited in the office of the provincial treasurer. R. S. O., 1887, c. 44, s. 120.

Offices to be at Osgoode Hall.

121. The registrars and the clerk of the process respectively shall keep their offices in Osgoode Hall, in the city of Toronto. R. S. O., 1887, c. 44, s. 121.

To supply officers with blank writs.

122. The clerk of the process shall keep the officers whose duty it is to issue writs and process, supplied with blank writs and process of all descriptions, to be filled up and issued by them; and he shall have a reasonable allowance for printing, procuring and transmitting blank forms of writs and process, and for necessary books and stationery. R. S. O., 1887, c. 44, s. 122.

The clerk of process to make quarterly returns.

123. The clerk of the process shall make to the treasurer of the province quarterly returns, verified by his affidavit, of all writs and process issued by him in actions brought at Toronto, or supplied by him to the registrars and deputy clerks of the crown to be issued by them. R. S. O., 1887, c. 44, s. 123.

Official referees.

124.—(1) Subject as aforesaid, the judges of the county courts, the master in ordinary, the master in chambers, the registrars of the several divisions of the high court and the local masters shall be official referees for the trial of such questions as shall be directed to be tried by such referees.

(2) In case the business is found to require other or additional official referees, and the presidents of the said divisions so certify, the Lieutenant-Governor from time to time may appoint other and additional official referees accordingly.

(3) In the case of officers who are paid by salary, the fees, on any reference or trial shall be paid in stamps; other referees shall be paid by fees. R. S. O., 1887, c. 44, s. 124.

Local masters, deputy registrars, and deputy clerks of the crown.

125.—(1) There shall be a local master in every county or union of counties other than the county of York, and every local master hereafter appointed shall reside in the county for which he is appointed.

Local masters.

(2) When a vacancy occurs in the office of local master, the judge of the county court for the county shall be the local master until and unless another person is appointed local master. In such case if there are two county judges, a senior and junior judge, both judges shall be local masters until and unless one of them or some other person is appointed sole local master. R. S. O., 1887, c. 44, s. 125 (1) (2).

Deputy clerks of the crown.

(3) Except in the county of York, the several clerks of the county courts shall be *ex officio* deputy clerks of the crown

and pleas of the high court for their county, unless the offices of deputy-clerk of the crown and deputy-registrar become and are consolidated under sub-section 5. R. S. O., 1887, c. 44, s. 125 (3); 56 V. c. 11, s. 2.

Deputy registrars.

(4) Where a county court judge is the local master, the county court clerk shall be the deputy registrar.

Local registrars.

(5) The offices of deputy clerk of the crown and deputy registrar (not local master) shall be consolidated as vacancies occur in either; unless where the presidents of the divisions of the high court or a majority recommend otherwise; when the said offices are held by the same person, he shall be styled local registrar of the high court.

Fees of deputy clerks of the crown.

(6) Where a reference is made to a deputy clerk of the crown, or an examination is taken by him, he shall be entitled to take and receive to his own use the fees on such reference or examination.

Commutation of fees of local masters.

(7) The Lieutenant-Governor in Council may commute the fees of a local master, or of a local master and deputy registrar, including his fees as an official referee, for a fixed annual sum, such sum not to exceed the average income derived from fees for the preceding five years.

Commutation of fees of deputy clerks of the crown.

(8) The Lieutenant-Governor in council may commute the fees payable to a deputy clerk of the crown on references and examinations and other matters for a fixed annual sum, such sum not to exceed the average income derived from such fees during the preceding five years.

Amount of commutation may be changed.

(9) Any annual sum fixed as provided in the preceding two sub-sections shall continue until varied by order in council, but any order for payment of any such annual sum as aforesaid may be rescinded, and the amount may by order in council be increased or diminished, provided that in no case shall any order in council name a sum exceeding the average income or fees aforesaid (as the case may be) during the preceding five years.

Appointments of officers.

(10) The local masters, local registrars, and deputy clerks of the crown, deputy registrars and other officers mentioned in this Act shall be appointed by the Lieutenant-Governor, and every such officer heretofore appointed shall hold office during the pleasure of the Lieutenant-Governor.

Fees of salaried officers to form part of the consolidated revenue.

(11) Where a local master, or deputy-registrar, or deputy clerk of the crown, or other officer, is paid by a salary, he shall not, save as hereinbefore expressly provided, take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled; but the like sums and fees heretofore payable on proceedings in his office shall continue to be payable; and all such fees shall form part of the consolidated revenue fund of this province, and shall be payable in stamps, subject to the provisions of *The Act respecting* Rev. Stat., c. 22.

Law Stamps. *See* 55 V. c. 17, ss. 4 and 5 as amended by 57 V. c. 9, s. 1 *as to fees of Local Registrars.*

Local masters, not to practise in certain cases.

(12) No local master whose gross income from his office of local master or of deputy registrar and local master, is $2,000 or upwards shall, during the continuance of his appointment, directly or indirectly, practise in the profession of the law as counsel, or solicitor, or as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any papers or documents to be used in any court of this province, under the penalty of forfeiture of office and the further penalty of $400, to be recovered by any person who sues for the same by action in the high court, and one-half of such pecuniary penalty shall belong to the party suing, and the other half to Her Majesty for the use of the province; but nothing in this section shall prevent the Lieutenant-Governor in Council, or the high court, from requiring a local master whose income does not amount to $2 000, to abstain from practising under the like penalties.

High court may except officers from sub-ss. 1 and 12.

(13) The high court may, with the concurrence of the Lieutenant-Governor, relieve any person now holding the office of local master and deputy registrar, or any other officer from the operation of the preceding sub-sections 1 and 12, or either of them. R. S. O., 1887, c. 44, s. 125, (4) to (13).

Returns of fees.

(14) Every officer paid by fees, whether commuted or not, shall on or before the 15th day of January in every year, transmit to the inspector of legal offices appointed under section 141 of this Act, a just, true and faithful account, verified upon oath, of the amount of fees paid or payable to him in cash or in stamps, in respect of his office during the preceding year, and also such particulars with reference to the business of his office as the inspector of legal offices may require. 52 V. c. 10, s. 4.

Form of returns.

(15) The Lieutenant-Governor or the member of the Government having charge of the matter may require the return to state any particulars, or to be made in any form that may be thought proper, and such return shall be made accordingly. R. S. O., 1887, c. 44, s. 125 (15).

Seals of deputy registrars and deputy clerks of the crown.

126. In the office of every deputy registrar and deputy clerk of the crown such seal shall be used as the Lieutenant-Governor shall from time to time direct, which seal shall be impressed on every writ and other document issued out of or filed in such office; and all such writs and documents, and all exemplifications and copies thereof, purporting to be sealed with the seal of any such deputy registrar or deputy clerk of the crown, shall in all parts of this province be received in evidence without further proof thereof. R. S. O., 1887, c. 44, s. 126.

Marshal and clerk of assize for county of York.

127. The Lieutenant-Governor in Council may from time to time appoint a suitable person to be the marshal and clerk of assize for the county of York, who shall hold office during pleasure. R. S. O., 1887, c. 44, s. 127.

128. Every marshal and clerk of assize, being a deputy clerk of the crown or local registrar, or authorized to act as such shall be entitled to be paid out of the consolidated revenue fund the sum of $4 for each day's attendance as such marshal or clerk of assize. R. S. O., 1887, c. 44, s. 128. Remuneration of deputy clerks of the crown when they act as marshals.

129. No charge whatever shall be made by any of the said marshals or clerks of assize upon any criminal trial or proceeding in any court at which they act as marshals and clerks of assize respectively. R. S. O., 1887, c. 44, s. 129. Not to receive fees in criminal cases.

130.—(1) Each deputy clerk of the crown and pleas shall, if proper accommodation is afforded him, keep his office in the court house of his county, and until he can obtain such accommodation he shall keep his office in some convenient place in the county town. Where deputy clerk's office to be kept.

(2) Provided, however, that the deputy clerk of the crown and pleas at Sandwich, may keep an office in some convenient place in the town of Windsor, in the county of Essex, subject to such arrangements as the county council of the county of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council. R.S.O.,1887, c.144, s. 130.

131.—(1) There shall be an official guardian *ad litem* of infants, who shall be appointed by the Lieutenant-Governor, and shall be a barrister-at-law and solicitor of this province, of not less than seven years' standing, and shall hold office during pleasure. Official guardian *ad litem*.

(2) The official guardian, besides acting as a guardian *ad litem* of infants under rules of court and other orders, shall perform such other duties as a divisional court or judge may from time to time direct. Duties of guardian.

(3) The same costs as hitherto shall be paid to the guardian by any party ; and the same costs as hitherto shall be payable to the guardian out of funds in court ; but all costs so paid to the guardian by any party shall be by such guardian paid forthwith into court with the privity of the accountant of the supreme court, and shall be placed to the credit of an account to be intituled " Account of Official Guardian *ad litem* ;" and all costs payable to the guardian out of any funds in court, shall be transferred to the credit of the same account. Costs of guardian.

(4) Where the estate is small, and, in view of the amount at the credit of the said account, the amount or part of the amount payable out of the estate for the guardian's costs does not appear to be required to pay the salary and disbursements of the official guardian, the court may withhold payment out of such estate of the sum or any part of the sum due for the guardian's costs in respect of such estate ; and may distribute the estate as if such costs were not payable by or out of the same. Costs where estate is small.

Salary of guardian.

(5) There should be paid to the said guardian in respect of all business done a fixed salary of such sum per annum as, in view of the amount of business done or to be done by the guardian, and the sum at the credit of the account, the said judges think reasonable and the Lieutenant-Governor in Council approve; which salary shall be over and above all necessary disbursements; and the salary and disbursements shall be paid monthly or otherwise as shall be determined by rule of court, out of the fund at the credit of the said account of official guardian *ad litem*, and not otherwise.

Transfer of surplus of guardian's account.

(6) The surplus appearing from time to time at the credit of the said account beyond what may be required to pay the charges on the said account, shall be transferred to the "Suitors' Fee Fund Account."

Costs of solicitor employed by official guardian.

(7) Where the official guardian has occasion to employ a solicitor in another county for the purpose of any proceeding in an action, such solicitor shall be entitled to receive from the official guardian in respect of the proceeding the same costs as if the solicitor so employed were solicitor and guardian of the infant.

Return of costs.

(8) The official guardian *ad litem* shall once every six months file in the accountant's office an affidavit, showing all costs recovered by him as official guardian *ad litem*, during the six months preceding the making of the affidavit, giving therein the several amounts received by him, and the name or names of the actions and matters in which the same were respectively received by him, together with the date of receipt.

Transfer on appointment of new guardian.

(9) When a new official guardian *ad litem* is appointed, he shall *ipso facto* become, and be by virtue of such appointment, guardian *ad litem* to all infants, in the place and stead of his predecessor, with the same duties and powers; and the latter (his executors and administrators, as the case may be) shall forthwith deliver over to the new official guardian all letters, papers, documents and books in his possession or power as official or other guardian *ad litem* of infants; and the new guardian shall forthwith communicate his appointment to whom it may concern.

Guardian not to practice if Lieutenant-Governor in Council or court so orders.

(10) The Lieutenant-Governor in Council, or the high court may order that the official guardian is not to practise as a barrister or solicitor, and in such case he shall not, during the continuance of his appointment and of such order, directly or indirectly practise the profession of the law as council or solicitor, or as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any papers or documents to be used in any court of this province, except in the discharge of his duties as official guardian, or of any other duties which may be assigned to him by the said high court or any division or judge thereof as the case may be; and the said official guardian in case of his offending in the matter afore-

said shall be subject to a penalty of forfeiture of office, and the further penalty of $400 to be recovered by any person who sues for the same by action in the high court; and one-half of such pecuniary penalty shall belong to the party suing, and the other half to Her Majesty for the use of the province. R. S. O., 1887, c. 44, s. 131.

Return of official guardian's accounts.

132. The accountant shall yearly and on or before the 15th day of January in every year, transmit to the Lieutenant-Governor in Council, a just, true and faithful statement, showing the state of the "Account of Official Guardian *ad litem*," upon the 31st day of the preceding December. R. S. O., 1887, c. 44, s. 132.

Accountant of supreme court.

133.—(1) Subject to any rules of court which may be made under the provisions of sections 105 to 108 of this Act, the present accountant and his successors appointed under section 112 of this Act, shall be the accountant of the supreme court of judicature for Ontario and shall be so designated.

(2) For the purposes of holding the mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and of all moneys and effects mentioned and described in section 134 of this Act, or in any rule or order of court, the said accountant shall be a corporation sole by the name of "The Accountant of the Supreme Court of Judicature for Ontario," and the said accountant as such corporation sole shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this province. R. S. O., 1887, c. 44, s. 133.

Securities vested in accountant.

134 All mortgages, stocks, funds, annuities and securities whatsoever, at the time of the commencement of *The Ontario Judicature Act 1881*, standing in the name of the accountant of the court of chancery, or of the referee in chambers, or any other officer named by the court for the purpose under the authority of the 31st section of the Chancery Act, or in his custody or power as such accountant, referee in chambers or other officer aforesaid, together with all the interest and estate of the said accountant, referee in chambers or other officer, in the lands and premises embraced in such mortgages or other securities, and by the said *The Ontario Judicature Act 1881*, vested in the accountant of the high court for the time being, as such accountant, and all other mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and all moneys and effects, bonds and guarantees, on the 30th day of March, 1885, vested in and held by the accountant of the high court in his own name, or in his name of office, as such accountant, subject to the same trusts as they may then respectively have been subject to, are hereby declared to be and to have been from and

after the 30th day of March, 1885, vested in the said corporation sole under the name aforesaid. R. S. O., 1887, c. 44, s. 134.

Securities held by registrar of court of appeal to be transferred to accountant of supreme court

135. All mortgages, stocks, funds, securities, and all estate therein, and all moneys and effects prior to the 30th day of March, 1885, standing in the name of the registrar of the court of appeal as such registrar in any cause, matter, or proceeding then or at any time theretofore pending in the said court of appeal, are hereby declared to be and from and after the said day to have been transferred to and vested in the accountant of the supreme court of judicature for Ontario as such accountant, subject to the trusts which respectively attached thereto; and the said registrar and one of the judges of the said court of appeal are to execute all cheques or documents necessary to effect a formal transfer thereof, if any are required; and the registrar is forthwith to deliver to the said accountant all books of account and documents in his possession or control relating to the moneys and property hereby declared to be and to have been transferred to the said accountant. R. S. O., 1887, c. 44, s. 135.

When there is no accountant securities to be vested in officer appointed by court.

136. In case of there being at any time no accountant of the supreme court, all mortgages, stocks, funds, annuities and securities whatsoever theretofore standing in the name of any accountant, or in his custody or power in respect of his office, together with all the interest and estate of the said accountant in the lands and premises embraced in such mortgages or other securities, shall become and be, by force of this act, vested in such other officer as the supreme court, by general rule, may, from time to time, direct, subject to the same trusts as they may then respectively be subject to. R. S. O., 1887, c. 44, s. 136.

Money in court how to be disposed of.

137. All moneys that become subject to the control and distribution of the high court or court of appeal shall be paid in the name of the accountant of the supreme court, (or if there is no accountant in the name of such other officer as the court by general rule may from time to time direct) into the hands of such person or body corporate, or shall be invested in the name of the accountant (or, if there is no accountant, in the name of such other officer) in the public funds of the Dominion of Canada or of this province, or in such other securities as the court may from time to time direct. R. S. O., 1887, c. 44, s. 137.

Expenses of accountant's office.

138. The expenses of the accountant's office including all salaries shall be the first charge on the income arising from the funds in court. R. S. O., 1887, c. 44, s. 138.

Amounts to be paid to suitors' fee fund.

139. The surplus income arising from the funds in the high court after payment of the expenses of the accountant's office, and of such interest on the moneys of suitors as from

time to time by rules of court or otherwise is directed to be paid, shall be transferred to the "suitors' fee fund account." R. S. O., 1887, c. 44, s. 139.

Suitors' fee fund.

140. "The suitors' fee fund account," shall continue to be kept and managed as may from time to time be directed by the court, and any divisional court or any judge of the supreme court of judicature for Ontario may apply the same as may be necessary for the protection of infants and other persons not *sui juris* or *non compotes mentis*, on whose behalf proceedings may be had in the court, or may, by the court, be ordered to be had in other courts, and may also, from time to time, order to be paid, out of the money at the credit of the said account, any sum required to make good a default arising in respect of suitors' money or securities from any mistake, act, or omission of any official of the court. Such payment is to be without prejudice to any personal liability of the official or his sureties in respect of the mistake, act or omission. R. S. O., 1887, c. 44, s. 140.

Certain losses may be charged on suitors' fee fund.

Inspector of sheriffs and other officers.

141. The Lieutenant-Governor may from time to time appoint one of the officers of the high court, or some other competent person, to inspect the offices of the sheriffs, local masters, deputy registrars, deputy clerks of the crown, local registrars of the high court, registrars of surrogate court, clerks of the peace, and county crown attorneys, and clerks of the county court, in the respective counties of the province, and such other officers connected with the administration of justice as the Lieutenant-Governor in Council may from time to time direct. R. S. O., 1887, c. 44, s. 141.

Duties of inspector.

142. The duty of the inspector shall be:—

1. To make a personal inspection of the said offices and of the books and court papers belonging thereto respectively;

2. To see that proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved;

3. To ascertain that the duties of the officers are duly and efficiently performed;

4. To see that proper costs and charges only are allowed or exacted;

5. To ascertain that proper security has been given by any officer required by law to give security;

6. To ascertain whether uniformity of practice prevails in the several offices of the high court and in the county and surrogate courts;

7. To report upon all such matters, as expeditiously as may be, to the Lieutenant-Governor. R. S. O., 1887, c. 44, s. 142.

Inquiries by inspector.

143. When the said inspector has occasion to institute an inquiry into the conduct of any officer in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such officer, or any other person or persons, to give evidence on oath; and for this purpose the said inspector shall have the same power to summon such officers and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and give evidence, as any court has in civil cases. R. S. O., 1887, c. 44, s. 143.

Books, etc., to be produced for inspection.

144. The said several officers shall, as often as required by the said inspector, produce for examination and inspection all books and documents which are required to be kept by them, or which may hereafter be required to be kept by them; and shall report to the inspector all such matters relating to any cause or proceeding as the inspector shall require. R. S. O., 1887, c 44, s. 144.

Affixing stamps to papers unstamped or insufficiently stamped.

145.—(1) Where the inspector of legal offices, appointed under section 141 of this Act, or any other officer inspecting legal offices under the authority of an order of the Lieutenant-Governor in Council, finds any paper or proceeding which should have had affixed to it law stamps, to be unstamped, or to be insufficiently stamped, he may require the officer to whom belonged the duty of seeing that such paper was properly stamped, to affix to every such paper or proceeding a stamp or stamps of a sufficient amount to make up the deficiency.

(2) The inspector or other officer directing stamps to be affixed as aforesaid shall cancel the stamps so affixed in such manner as shall be directed by the Lieutenant-Governor in Council, and the affixing of such stamps by direction of the inspector, shall have the same effect as if the paper or proceeding had been duly stamped in the first instance. R. S. O., 1887, c. 44, s. 145.

Stenographic writers.

146.—(1) The stenographic writers heretofore appointed, or who shall hereafter be appointed by the Lieutenant-Governor to report trials at sittings of the high court, or of a county court, shall be officers of the court to which they are appointed, and shall hold office during the pleasure of the Lieutenant-Governor, and shall perform such other duties as may be assigned to them by rule of court, or order of the Lieutenant-Governor in Council.

Reporter's oath.

(2) Every such reporter shall take the following oath before one of the judges of the court to which he is appointed, and the same shall be filed:

I (*A. B.*) do solemnly and sincerely promise and swear that I will faithfully report the evidence and proceedings at the trial in each case in which it may be my duty to act as shorthand reporter. So help me God. R. S. O., 1887, c. 44, s. 146.

147. The supreme court may, from time to time, under the seal of the court, appoint and at discretion remove special examiners for the purpose of taking evidence of parties and witnesses, and the examiners so appointed shall have all the powers formerly possessed by masters extraordinary and examiners. R. S. O., 1887, c. 44, s. 147. Appointment of special examiners.

148. Any officer of the supreme court or the high court shall, for the purposes of any proceedings directed by the court to be taken before him, have full power to administer oaths, to take affidavits, to receive affirmations, and to examine parties and witnesses as the court may direct. R. S. O., 1887, c. 44, s. 148. Administration of oaths.

149. Sheriffs, deputy sheriffs, gaolers, constables and other peace officers, shall aid, assist and obey the court and the judges thereof respectively in the exercise of the jurisdiction conferred by this Act, and otherwise, whenever by any general or other order of the court or of a judge thereof, required so to do. R. S. O., 1887, c. 44, s. 149. Sheriffs, gaolers, etc., to be officers of the court.

150. All gaols in Ontario shall be prisons of the high court. R. S. O., 1887, c. 44, s. 150. Gaols to be prisons of the court.

151.—(1) There shall be paid out of the consolidated revenue fund of this province such sums as the Legislature may from time to time appropriate for such purpose as and for the salaries of officers of the said courts, who are not paid by fees or otherwise. Salaries, etc.

(2) The salaries of all officers of the court which are payable out of the consolidated revenue fund shall be paid monthly, but the payment to be made in each case on the first day of payment which happens after the right thereto accrues, shall be a ratable proportion of a month's salary, according to the time then elapsed since the accrual of the right; and in case of a vacancy, the person who vacates the office, his executors or administrators, shall be entitled to a proportional part of his salary according to the time elapsed between the vacancy and the last payment. R. S. O., 1887, c. 44, s. 151.

152.—(1) Unless specially authorized, neither the master in ordinary, the registrars, nor any of their deputies, nor the process clerk, nor the clerk in chambers, nor the accountant, nor any clerk appointed as aforesaid, shall take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled by law; but the like sums and fees heretofore payable on proceedings in the offices of the said officers shall continue to be payable; and all such fees shall form part of the consolidated revenue fund of the province, and shall be payable in stamps, subject to the provisions of *The Act respecting Law Stamps*. No fees allowed. How fees to be payable. Rev. Stat. c. 22.

Local officers may take fees.

(2) The local masters and deputy registrars not paid by salary and the commissioners may retain to their own use all the fees of office which they respectively receive not payable to the crown or belonging to any fee fund, and need not account to the crown for any portion of such fees. R. S. O., 1887, c. 44, s. 152.

Salaries of deputy clerks of the crown.

153.—(1) The Lieutenant-Governor in Council may appoint that sums not in any case exceeding $600 nor less than $100 yearly shall be paid out of moneys to be hereinafter voted by the Legislature for the purpose, as and for the salaries of the deputy clerks of the crown respectively.

(2) The preceding provision fixing the maximum at $600 shall not apply to any case where the deputy clerk does not hold the office of registrar of the surrogate court. R. S. O., 1887, c. 44, s. 153.

Fees on writs and process.

Rev. Stat. c. 22.

154. The fees payable on all writs and process issued by the clerk of the process shall form part of the consolidated revenue fund of the province, and shall be payable in stamps subject to the provisions of *The Act respecting Law Stamps.* R. S. O., 1887, c. 44, s. 154.

Fees.

Rev Stat. c. 22.

155. In addition to all fees, otherwise authorized to be levied on proceedings in the high court, the following fees shall form part of the consolidated revenue fund of the province, and shall be payable to the crown in stamps, subject to the provisions of *The Act respecting Law Stamps.*

	$	c.
On every writ of summons, capias or subpœna, and on every other writ or other document of what nature or description soever, having the seal of the court affixed thereto	0	50
On every judgment entered	0	60
On every certificate of action instituted, judgment or decretal order made	0	50
On setting down on the paper for argument of every demurrer, special case, points reserved, special verdict or appeal case	0	30
On entering every action for trial or assessment	2	00
On every rule or order of court issued	0	20
On taxation of every bill of costs	0	20

R. S. O., 1887, c. 44, s. 155.

Fees.

Rev. Stat. c. 22.

156. In addition to all fees otherwise authorized to be levied on proceedings in cases brought to the court of appeal from the high court, the following fees shall be payable to the crown in stamps, subject to the provisions of *The Act respecting Law Stamps :*

On every appeal entered	$4	00
On every judgment, decree, or order of the court passed and entered	2	00

R. S. O., 1887, c. 44, s. 156.

157. Except in the county of York, the judges of the several county courts shall be judges of the high court for the purposes of their jurisdiction in actions in the high court; and in the exercise of such jurisdiction may be styled "local judges of the high court," and shall, in all causes and actions in the high court, have, subject to the rules of court, power and authority to do and perform all such acts, and transact all such business in respect to matters and causes in and before the high court as they are by statute or rules of court in that behalf from time to time empowered to do and perform. R. S. O., 1887, c. 44, s. 157. Local judges of high court.

See 57 V., c. 20, s. 13 and *Rule* 41.

(2) A local judge of the high court may, in cases of emergency, grant an interlocutory injunction under sub-section 8 of section 53 of this Act in any action in the high court brought in his county on proof, to the satisfaction of the judge, that the delay required for an application to the high court is likely to involve a failure of justice; such injunction to remain in force for a period not exceeding eight days as such local judge may direct; unless continued by the high court, such injunction shall be by order to be signed, sealed and issued by the deputy registrar or deputy clerk of the crown of such county, upon the direction or fiat of such local judge, and such injunction shall have the same force and effect and may be continued, barred, dissolved and otherwise dealt with by the high court as if it had been originally granted by judgment or order of the high court. 52 V., c. 11, s. 1.

(3) In any action in which a local judge of the high court has granted an interlocutory injunction under the next preceding sub-section, and in which all parties interested consent thereto, the local judge may hear, determine and dispose of any motion to continue, vary, dissolve or otherwise deal with the injunction, including such terms and conditions as to costs and other like matters as the local judge sees fit, and the judgment or order of or directed by the local judge shall be signed, sealed and issued by the said deputy registrar or deputy clerk of the crown, and shall have the same force an effect as a judgment or order of the high court. Powers of local judges as interlocutory injunctions.

(4) Any person affected by any such decision, judgment or order of a local judge may appeal therefrom to the high court. The appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges to a judge of the high court in chambers. 56 V., c. 11, s. 1. Appeal to be to high court.

(5) Every local judge of the high court shall, in actions brought and proceedings taken in his county, possess the like powers as a judge of the high court sitting in court, with re- Powers of local judges as judges of the high court in certain cases.

gard to hearing, determining and disposing of the following proceedings and matters, in case there are no infants who may have an adverse interest as respects such proceedings or matters; but in case there are such infants the consent of the official guardian shall be necessary and sufficient, viz.:—

(*a*) Motions for judgment and all other motions, matters and applications (not including trials of actions) where all parties agree that the same shall be heard before such local judge; but this shall not apply to applications for payment of money out of court or for dispensing with payment of money into court unless it appears that no infants are concerned or unless the official guardian is a consenting party on behalf of such infants.

(*b*) Motions for judgment in undefended actions.

(*c*) Motions to appoint receivers after judgment by way of equitable execution.

(*d*) Applications for leave to serve short notice of a motion to be made before a judge sitting in court.

And the judgment or order of or directed by the local judge in any of the proceedings and matters in this sub-section referred to shall be entered, signed, sealed and issued by the deputy registrar or deputy clerk of the crown of the county and shall be and have the same force and effect and be enforceable in the like manner as a judgment or order of the high court in other cases.

Provided that any person affected by any such decision, judgment or order of a local judge under paragraphs (*a*), (*b*) and (*c*) may appeal therefrom to a judge of the high court sitting in court, and such appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges to a judge of the high court in chambers in other cases. 57 V. c. 20, ss. 11 and 13.

TRANSFERRING CAUSES FROM COUNTY OR DIVISION COURTS TO HIGH COURT.

Transfer to high court from county and division courts.

158. In cases before any county or division court where the defence or counterclaim of the defendant involves matter beyond the jurisdiction of the court, the high court or any division or judge thereof, may on the application of any party to the proceeding, order that the whole proceeding be transferred from such court to the high court, or to any division thereof; and in such case the record in such proceeding shall be transmitted by the clerk or other proper officer, of the county or division court to the said high court; and the same shall thenceforth be continued and prosecuted in the said high court as if it had been originally commenced therein. R. S. O., 1887, c. 44, s. 158.

MISCELLANEOUS.

159.—(1) Every order in council determining the commutation allowance or the salary of any judge, official guardian or other officer, under the authority of this Act, shall be laid before the House of Assembly forthwith, if the Legislature is in session at the date of the order, and if the Legislature is not then in session, the order shall be laid before the said House within the first seven days of the session next after the order in council is made. Order in council as to allowances and salaries subject to ratification by Legislative Assembly.

(2) In case the Assembly at the said session, (or, if the session does not continue for three weeks after the said order is laid before the House, then at the ensuing session of the Legislature,) disprove by resolution of such order in council, either wholly, or so far as relates to any of the persons therein named, the order in council, so far as so disapproved of, shall have no effect from the time of such resolution being passed. R. S. O., 1887, c. 44, s. 159.

160. This Act shall not affect the issue of any commissions of assize, nisi prius, oyer and terminer, gaol delivery, or other commission for the discharge of civil or criminal business on circuit or otherwise; or the authority of a judge or a retired judge of any of the superior courts, or a judge of a county court, or one of Her Majesty's counsel learned in the law, to preside without any commission at any court of assize, oyer and terminer, and general gaol delivery, or at a court held under this Act in the exercise of the jurisdiction now belonging to the courts of assize, oyer and terminer, and general gaol delivery, or the authority of any such judge or retired judge of a superior or county court, or counsel learned in the law, to hold any sitting for the hearing of causes; and any such judge or counsel shall after the commencement of this Act have the same authority to preside as aforesaid, or to hold any sitting of the high court for the hearing of causes in the high court respectively, which such judge or counsel now has to preside at courts of assize, oyer and terminer, and general gaol delivery, or to hold a sitting of the court of chancery for the hearing of causes; and any such judge or counsel when presiding as aforesaid with or without a commission, or when holding any sitting as aforesaid, shall be deemed to constitute a court. R. S. O., 1887, c. 44, s. 160. Saving as to circuits, etc.

161. Every person shall hereafter have access to and be entitled to inspect the several books of the high court and of the county courts, containing records or entries of the writs issued, judgments entered, and chattel mortgages and bills of sale filed; and no person desiring such access or inspection shall be required, as a condition to his right thereto, to furnish the names of the parties or the style of the causes or matters in respect of which such access or inspection is All books in which writs, judgments, etc., are entered to be open to inspection.

sought; and the registrars and deputy-registrars of the high court and all clerks of the county courts of the province respectively, shall, upon demand or request, produce for inspection any writ of summons or copy thereof, and any judgment roll, or chattel mortgage, or bill of sale so issued, entered or filed in their respective offices, or of which records or entries are, by law, required to be kept in such several books of the high court and county courts respectively. R. S. O., 1887, c. 44, s. 161.

Fees.

162. The fees payable in respect of such inspection of books shall be twenty-five cents as for a general search, and ten cents for each writ of summons, judgment roll, chattel mortgage or bill of sale so inspected, and ten cents per folio shall also be payable for all extracts, whether made by the person who makes the search or by the officer. R. S. O., 1887, c. 44, s. 162.

This Act not to apply to criminal and other matters.

163. Nothing in this Act shall affect the practice or procedure in criminal matters, or matters connected with Dominion controverted elections, or proceedings on the Crown or revenue side of the Queen's bench or common pleas divisions. R. S. O., 1887, c. 44, s. 163.

164. The Acts and parts of Acts in the schedule hereto are hereby repealed to the extent mentioned in the said schedule

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SCHEDULE

Of Acts and parts of Acts repealed (see sec. 164.)

Act.	Extent of appeal.
Revised Statutes of Ontario, chapter 44..	The whole.
52 Vict. c. 10	Sections 3, 4 and 12.
52 Vict. c. 11	Section 1.
53 Vict. c. 14	The whole.
53 Vict. c. 15	The whole.
53 Vict. c. 20	Section 2.
54 Vict. c. 11	The whole.
54 Vict. c. 13	The whole.
56 Vict. c. 11	The whole.
57 Vict. c. 19	The whole.
57 Vict. c. 20	The whole except sections 9 and section 12, so far as the same relates to county courts.
57 Vict. c. 25	The whole.

No. 206.

1st Session, 8th Legislature, 58 Vict., 1895

BILL.

An Act to consolidate the Acts governing the Supreme Court of Judicature of Ontario.

First Reading, 5th April, 1895.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 206] **BILL.** [1895.

An Act to consolidate the Acts governing the Supreme Court of Judicature of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

TITLE.

Short title. Commencement of Act.

1. This Act may be cited as "*The Judicature Act 1895*," and shall go into effect on such day not before the first day of September, 1895, as the Lieutenant-Governor in Council may by order in Council appoint. R. S. O., 1887, c. 44, s. 1.

INTERPRETATION.

Interpretation of terms. 44 V. c. 5.

2. Where the words following occur in this Act and in the rules, made thereunder or under *The Ontario Judicature Act, 1881*, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears.

1. "Rules of court" shall include forms.

2. "Cause" shall include any action, suit, or other original proceeding between a plaintiff and a defendant.

3. "Action" shall include suit and shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by rules of court.

4. "Matter" shall include every proceeding in the court not in a cause.

5. "Plaintiff" shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise.

6. "Petitioner" shall include every person making any application to the court, either by petition, motion, or summons, otherwise than as against any defendant.

7. "Defendant" shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.

8. "Party" shall include every person served with notice of or attending, any proceeding, although not named on the record.

9. "Pleading" shall include any petition or summons, and shall also include the statement in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.

10. "Judgment" shall include decree.

11. "Order" shall include rule.

12. "Oath" shall include solemn affirmation and statutory declaration.

13. "Proper officer" shall, unless and until any rule to the contrary is made, mean an officer to be ascertained as follows:—

(*a*) Where any duty to be discharged under this Act or under rules of court is a duty which has been discharged by any officer, such officer shall continue to be the proper officer to discharge the same, until otherwise provided by rule;

(*b*) Where any new duty is under this Act or under the rules aforesaid to be discharged, the proper officer to discharge the same shall be such officer having previously discharged analogous duties, as may from time to time be directed to discharge the same, in the case of an officer of the high court, not attached to any division, by the president of the high court, and in the case of an officer attached to any division, by the president of the division. R.S.O., 1887, c. 44, s. 2.

CONSTITUTION OF SUPREME COURT.

Supreme court of judicature continued.

3.—(1) The supreme court of judicature for Ontario at present existing is hereby continued, and all commissions, rules, orders and regulations granted or made, in, by, or respecting the former court of Queen's bench for Ontario, the court of chancery for Ontario, and the court of common pleas for Ontario, or the supreme court of judicature, the court of appeal, and the high court of justice, or the judges or officers thereof, existing and in force when this Act takes effect, shall remain in force until altered or rescinded or otherwise determined.

(2) The supreme court shall continue to consist of two permanent divisions, to be called "the high court of justice for Ontario," and "the court of appeal for Ontario."

(3) The high court of justice for Ontario shall continue to consist of three divisions, to be called the Queen's bench divi-

sion, the chancery division, and the common pleas division of the high court.

(4) The Queen's bench division shall, during the reign of a King, be called "the King's bench division," and during the reign of a Queen, "the Queen's bench division."

(5) The persons hereafter appointed to fill the places of the chief justice of the Queen's bench, the chancellor of Ontario, and the chief justice of the common pleas, and their successors respectively, are to be appointed by the authority mentioned in *The British North America Act* and with the same respective titles as heretofore. Imp. Stat. 30-31 V. c. 3.

(6) The persons to be appointed judges of the high court shall be barristers-at-law of at least ten years' standing at the bar of Ontario.

(7) Save as in this Act is otherwise expressly provided, all the judges hereinbefore mentioned, and their successors, shall have in all respects equal power, authority and jurisdiction.

(8) The chief justice of the Queen's bench shall be the president of the Queen's bench division, the chancellor shall be the president of the chancery division, and the chief justice of the common pleas shall be the president of the common pleas division.

(9) Besides the chief justice of the Queen's bench, two justices of the high court shall be attached to the Queen's bench division; besides the chancellor of Ontario, three justices of the high court shall be attached to the chancery division; and besides the chief justice of the common pleas, two justices of the high court shall be attached to the common pleas division.

(10) The president of the said high court shall be that one of the presidents of the Queen's bench, chancery and common pleas divisions, who, for the time being, is first in order of seniority.

(11) Upon a vacancy happening among the judges, the judge appointed to fill the vacancy is (subject to the provisions of this Act, and to any rules of court which may be made pursuant thereto) to become and be a member of the same division to which the judge whose place has become vacant belonged.

(12) Nothing in this Act shall prevent, or shall be construed as intended to prevent, the transfer of any judge of any of the said divisions from one to another of the said divisions. R. S. O., 1887, c. 44, s. 3 (1) to (12).

Detachment of one judge from chancery division.

4. One of the four judges of the chancery division may, with his consent, be detached from the said division without being appointed to any other division of the said court, or ceasing to be a judge of the high court.

(2) In case of a vacancy occurring in the said chancery division without a judge thereof having been detached therefrom the judge to be appointed to the high court in consequence of the vacancy shall not be attached to any particular division thereof.

(3) In either of such cases each of the divisions of the high court shall thenceforward have the same number of judges. 54 V. c. 13, s. 1.

(4) The judge so detached or appointed shall continue a judge of the high court, and shall from time to time exercise his judicial functions in any of the divisions thereof. 54 V. c. 13, s. 3.

Judgment by judge who resigns after case heard.

5. Where a judge resigns his office, and any case which has been fully heard by such judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a judge of the same court; and any such judgment shall be of the same force and validity as if he were still such judge, provided that such judgment of the judge be delivered within six weeks after his said resignation. R. S. O., 1887, c. 44, s. 4.

Existing court of appeal continued.

6. The court of appeal for Ontario, at present existing is continued under that name, and shall consist of a chief justice, to be called the chief justice of Ontario, and three other judges, to be called justices of appeal, and the judges of the high court, shall be *ex-officio* judges of the court of appeal, so as to provide for the cases mentioned in section 12 of this Act. R. S. O., 1887, c. 44, s. 5.

Vacancies in court of appeal, how filled.

7. The chief justice of Ontario and the justices of appeal may be selected from the judges for the time being, or retired judges of the high court, or from such barristers as are eligible to be appointed judges of that court. R. S. O., 1887, c. 44, s. 6.

8.—(1) The chief justice of Ontario shall have rank and precedence over all other judges of the courts in Ontario.

Precedence of judges.

(2) The justices of appeal, the chief justice of the Queen's bench, the chancellor of Ontario, and the chief justice of the common pleas shall have rank and precedence among themselves according to their seniority of appointment to any of the said offices.

(3) The other judges of the high court shall have rank and precedence among themselves according to seniority of appointment to their respective offices. R. S. O. 1887, c. 44, s. 7.

Appeal judges may hold assizes, etc.

9. The chief justice of Ontario and the justices of appeal may, in addition to their duties as judges of the court of appeal, preside over courts of assize and nisi prius, oyer and terminer and general gaol delivery, and hold sittings of the high court of justice, for the trial of civil causes, matters and issues, and criminal matters or proceedings ; and every such justice in the exercise of such duties shall have the same rights, powers and privileges as a judge of the high court presiding at such courts or sittings. R. S. O., 1887, c. 44, s. 8.

Provision for absence or vacancy in office of a judge.

10. Upon the request of the judge or judges with or for whom he is requested to sit or act, it shall be lawful for any judge of the court of appeal, or any retired judge of the said court, or of the high court, who may consent so to do, to sit and act as a judge of the said high court, or to perform any other official or ministerial acts for or on behalf of any judge absent from illness or any other cause, or in the place of any judge whose office has become vacant, or as an additional judge of any division ; and while so sitting and acting, any such judge of the court of appeal or retired judge shall have all the power and authority of a judge of the said high court. R. S. O., 1887, c. 44, s. 9.

Quorum.

11. No sitting of the court of appeal shall be held unless four of its members are present where the appeal is from a divisional court of the high court. R. S. O., 1887, c. 44, s. 10.

Appeals from single judge may be heard by three judges.

☞(2) In the case of appeals from a single judge, sitting in court or otherwise, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge.☜

Divisional courts of court of appeal.

12.—(1) In case from pressure of business, or other cause, it shall at any time seem expedient to the Lieutenant-Governor in Council, or to the judges of the supreme court, or a majority of them (of which majority two judges of the court of appeal, including the chief justice, unless absent on leave, shall form

part), the court of appeal may sit in two divisions at the same time; and in such case, and to enable two divisional courts to be held, the judges of the said supreme court, or the said majority of them, shall select from the judges of the high court so many of the judges thereof as may be necessary, together with the ordinary judges of the court of appeal, to form two divisions of the said court, and the judges so chosen and acting shall have all the power and authority of the judges of the said court of appeal.

(2) Unless otherwise arranged by the judges of the court of appeal and the said judges so selected, two of the ordinary judges of the court of appeal shall where practicable sit in each such divisional court. R. S. O., 1887, c. 44, s. 11.

Quorum may be made up by the judges of the high court.

13. In case of there being a vacancy in the court of appeal or in case from illness or some other cause, any of the judges of the said court is not present at some sitting of the court, or in case any of the said judges is under some legal disqualification to hear an appeal, the judges of the high court shall choose from amongst their number as many judges as are necessary, to form a quorum; and the judges so chosen and acting shall have authority to continue to hear appeals partly heard before them, and to give judgment in all appeals heard before them, notwithstanding that such vacancy may in the meantime have been filled up, or that the judge who was absent may have resumed his duties. R. S. O., 1887, c. 44, s. 12.

Judges of high court sitting in court of appeal under s. 2.

☞**14**. In case of judges not having been chosen by the judges of the supreme court, as mentioned hereinbefore in this Act, or in case of the judge or judges chosen not being available, the senior of the presidents of the divisions of the high court shall sit in the court of appeal where one judge only is needed for the high court, the two senior presidents where two are needed, and the three presidents where three judges are needed. Any other judge of the high court may sit in the place of one of the presidents by arrangement between such other judge and the president whose duty it is to sit as aforesaid.☜

Duty in court of appeal to have precedence over other work of high court judge.

☞**15**. Where a judge of the high court is selected or it becomes his duty, under this Act, to sit in the court of appeal, the business of the court of appeal shall thenceforward have precedence of all other judicial duty of such judge.☜

Judges selected to sit in court of appeal until other selection made.

☞**16**. Judges of the high court to whom at any time shall fall the duty of sitting in the court of appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the supreme court.☜

17. In the absence of the chief justice of Ontario, the judge entitled to precedence over the other judges present shall preside. R. S. O., 1887, c. 44, s. 16. Presiding judge in absence of chief justice.

18. The court of appeal shall subject to the provisions of section 57 of this Act, hold its sittings at the city of Toronto at such times and for such periods as the acting judges thereof for the time being, or a majority of them, may deem necessary or convenient for the speedy despatch of business. R. S. O., 1887, c. 44, s. 17. Sittings of the court of appeal.

19. The oath to be taken by the judges to be hereafter appointed shall be the following:— Oath of office.

"I do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as ; so help me God."
R. S. O., 1887, c. 44, s. 18.

20. The oath is to be administered to the chief justices and the chancellor by the Lieutenant-Governor in Council, and to the justices of the high court, other than the chief justices, in presence of the president of the high court; and to the justices of the court of appeal in open court by the chief justice of Ontario, unless the Lieutenant-Governor in any of such cases shall otherwise direct. R. S. O., 1887, c. 44, s. 19. Administration of oath.

JURISDICTION OF HIGH COURT.

21. The high court shall be a superior court of record of original jurisdiction, and shall, subject as in this Act mentioned, possess all such powers and authorities, as by the law of England, are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges as fully to all intents and purposes as the same were on the 5th day of December, 1859, used, exercised and enjoyed by any of Her Majesty's superior courts of common law at Westminster in England, and may and shall hold plea in all and all manner of actions and causes as well criminal as civil, and may and shall proceed in such actions and causes by such process and course as are provided by law; and as shall tend with justice and despatch to determine the same; and may and shall hear and determine all issues of law; and may and shall also hear and (with or without a jury, as provided by law) determine all issues of fact that may be joined in any such action or cause, and judgment thereon give, and execution thereof award in as full and ample a manner as might, at the said date, be done in Her Majesty's courts of Queen's bench, common bench, or, in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods), by the court of exchequer in England. R. S. O., 1887, c. 44, s. 20. Jurisdiction of high court.

Equitable jurisdiction.

22. The high court shall also, subject as in this Act mentioned, have the like jurisdiction and powers as by the laws of England were on the 4th day of March, 1837, possessed by the court of chancery in England, in respect of the matters hereinafter enumerated, that is to say:

1. In all cases of fraud and accident;

2. In all matters relating to trusts, executors and administrators, copartnership and account, mortgages, awards, dower, infants, idiots, lunatics and their estates;

3. To stay waste;

4. To compel the specific performance of agreements;

5. To compel the discovery of concealed papers or evidence, or such as may be wrongfully withheld from the party claiming the benefit of the same;

6. To prevent multiplicity of suits;

7. To decree the issue of letters patent from the Crown to rightful claimants;

8. To repeal and avoid letters patent issued erroneously or by mistake, or improvidently, or through fraud. R. S. O., 1887, c. 44, s. 21. *See also* sec. 53 (9).

Rules of decision in such cases.

23. The rules of decision in the said matters in the last preceding section mentioned shall, except where otherwise provided, be the same as governed the court of chancery in England, in like cases, on the 4th day of March, 1837. R. S. O., 1887, c. 44, s. 22.

Jurisdiction in cases where formerly no adequate remedy at law.

24. The high court shall have the like jurisdiction and power as the court of chancery in England possessed on the 10th day of June, 1857, as a court of equity to administer justice in all cases in which there existed no adequate remedy at law. R S. O., 1887, c. 44, s. 23.

Jurisdiction in matters of revenue.

25. The high court shall have the like equitable jurisdiction in matters of revenue as the court of exchequer in England possessed on the 18th day of March, 1865. R. S. O., 1887, c. 44. s. 24.

Relief against forfeiture for breach of covenant to insure in certain cases. Imp. Act, 22-23 V. c. 35, s. 4.

26. The high court shall have power to relieve against a forfeiture for breach of a covenant or condition in any lease to insure against loss or damage by fire, where no loss or damage by fire has happened, and the breach has, in the opinion of the court, been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the court in conformity with the covenant to insure, upon such terms as to the court may seem fit. R. S. O., 1887, c. 44, s. 25.

27. The court, where relief is granted, shall direct a record of such relief having been granted to be made by indorsement on the lease or otherwise. R. S. O., 1887, c. 44, s. 26.

When relief is granted, the same to be recorded. Imp. Act, 22-23 V. c. 35, s. 5

28. The preceding two sections shall be applicable in the case of leases for a term of years absolute, or determinable on a life or lives or otherwise, and also in the case of a lease for the life of the lessee or the life or lives of any other person or persons. R S. O., 1887, c. 44, s. 27.

To what leases preceding provisions apply. Imp. Act 22-23 V.c. 35, s. 9.

29. In any action or proceeding in the high court for partition or sale of the estate of joint tenants, tenants in common or co-parceners, where any of the persons interested in the lands whereof partition or sale is sought are unknown to the plaintiff, or have not been heard of for three years or upwards, the court shall have the same jurisdiction that, in proceedings under *The Partition Act*, it possesses for the purpose of binding the interests of such persons and dealing with the estate of such of them as by reason of long continued absence may reasonably be believed to be dead; and the like proceedings may be taken in such action or proceeding for the said purposes as might be taken upon a petition under the said Act; and every deed or vesting order made in any such action or proceeding shall have the same effect as a deed or vesting order made in proceedings under the said Act. R. S. O., 1887, c. 44, s. 28.

Jurisdiction in partition.

Rev. Stat. c. 104.

30. The high court shall have jurisdiction to grant alimony to any wife who would be entitled to alimony by the law of England, or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto, or to any wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights; and alimony when granted shall continue until the further order of the court. R. S. O., 1887, c. 44, s. 29.

Jurisdiction in alimony.

31. An order or judgment for alimony may be registered in any registry office in Ontario, and the registration shall, so long as the order or judgment registered remains in force, bind the estate and interest of every description which the defendant has in any lands in the county or counties where the registration is made, and operate thereon in the same manner and with the same effect as the registration of a charge by the defendant of a life annuity on his lands. R. S. O., 1887, c. 44, s. 30.

Judgment for alimony may be registered and thus bind lands.

Vesting order, effect of.

32. In every case in which the court has authority to order the execution of a deed, conveyance, transfer or assignment of any property, real or personal, the court may by order vest such real or personal estate in such person or persons, and in such manner, and for such estates, as would be done by any such deed, conveyance, assignment or transfer if executed; and thereupon the order shall have the same effect as if the legal or other estate or interest in the property had been actually conveyed, by deed or otherwise, for the same estate or interest, to the person in whom the same is so ordered to be vested, or in the case of a *chose in action*, as if such *chose in action* had been actually assigned to such last-mentioned person. R. S. O., 1887, c. 44, s. 31.

Jurisdiction of court of chancery in respect to leases, settled estates, estates of infants, and special cases.

33.—(1) The high court shall have the same jurisdiction as the court of chancery in England had on the eighteenth day of March, 1865, in regard to enabling infants, with the approbation of the court, to make binding settlements of their real and personal estate on marriage; and in regard to questions submitted for the opinion of the court in the form of special cases on the part of such persons, as may by themselves, their committees or guardians, or otherwise, concur therein. R. S. O., 1887, c. 44, s. 32.

(2) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the high court, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge, otherwise orders; and the said official guardian, or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection

of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian.

(3) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served.

The court may try the validity of wills.

34. The high court shall have jurisdiction to try the validity of last wills and testaments, whether the same respect real or personal estate, and whether probate of the will has been granted or not, and to pronounce such wills and testaments to be void for fraud and undue influence or otherwise, in the same manner and to the same extent as the court has jurisdiction to try the validity of deeds and other instruments. R. S. O., 1887, c. 44, s. 33.

Jurisdiction.

35. The high court shall also have jurisdiction—

In matters testamentary. Rev. Stat. c. 50.

1. In matters testamentary as provided in sections 30 to 32 inclusive of *The Surrogate Courts Act.*

Appeals against judgment of commissioners under Rev. Stat. c. 29.

2. On any appeal from the judgment or decision of the commissioners under *The Act to prevent Trespasses to Public Lands*, as provided in said Act.

Lunatics and infants. Rev. Stat. cc. 53, 137.

3. In respect of lunatics and infants and their property and estates, as provided by *The Act respecting Lunatics* and *The Act respecting Infants.*

Testamentary guardians. Rev. Stat. c. 137.

4. In respect of guardians and trustees, as provided by *The Act respecting Infants.*

Partition. Rev. Stat. c. 104.

5. In respect of partition and sale of real estate as provided in *The Partition Act.* R. S. O., 1887, c. 44, s. 34.

General jurisdiction.

36. The high court shall have, generally, all the jurisdiction which, prior to the 22nd day of August, 1881, was vested in, or capable of being exercised by, the court of Queen's bench, court of chancery, court of common pleas, and courts of assize, oyer and terminer, and gaol delivery (whether created by commission or otherwise) and the high court shall be deemed to be and shall be a continuation of the said courts respectively (subject to the provisions of this Act) under the said name of "The High Court of Justice for Ontario." R. S. O. 1887, c. 44, s. 35.

Existing jurisdiction of judges continued.

37. The jurisdiction of the high court shall include (subject to the exceptions hereinafter contained) the jurisdiction which at the commencement of this Act, was vested in, or capable of being exercised by the judges of the said courts respectively, sitting in court or chambers, or elsewhere, when acting as judges in pursuance of any statute or law; and all powers given to any such court, or to any such judges, by any statute; and also all ministerial powers, duties and authorities, incident to any and every part of the jurisdiction. R. S. O., 1887, c. 44. s. 36.

Rights and privileges of judges.

38. Every judge of the high court shall have, use and exercise all the rights, incidents and privileges of a judge of a court of record and all other rights, incidents and privileges as fully to all intents and purposes as the same were, prior to the 5th day of December, 1859, used, exercised or enjoyed by any of the judges of any of Her Majesty's superior courts of common law at Westminster. R. S. O., 1887, c. 44, s. 37.

A judge to sit in chambers.

39. The judges of the high court shall, in rotation or otherwise as they may agree among themselves, sit in chambers or elsewhere, and there transact any such business as may be transacted by a single judge out of court, whether such business be in the division of the high court to which such judge is attached or in another division, subject to the right of appeal as provided in this Act and the rules from time to time in force. R. S. O., 1887, c. 44, s. 38.

Anyone whilst acting as judge of assizes in Toronto, may act as judge in chambers.

40. Any person sitting or acting as judge at any assizes or sittings of the high court for the trial of causes, matters, and issues, in the city of Toronto, may, while so sitting or acting as such judge, or while the assizes or sittings last, act as a judge in chambers in all matters as if he were a judge of the high court. R. S. O., 1887, c. 44, s. 39.

Anyone sitting as judge of assize may during sittings act as judge in chambers.

41. Any person acting as a judge at any assizes or sittings of the high court for the trial of causes, matters and issues, may, in and for the county in which he is acting, and while the sittings of the said court last, act as a judge in chambers in all matters entered for trial before him, as if he were a judge of the high court. R. S. O., 1887, c. 44, s. 40.

Jurisdiction to be exercised in name of high court.

42. The several jurisdictions vested in the said high court, shall not be exercised except in the name of the said high court as provided by this Act, save as otherwise in this Act provided. R. S. O., 1887, c. 44, s. 41.

Jurisdiction to be exercised according to rules of court.

43. The jurisdction of the high court of justice and the court of appeal, respectively, shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by rules and orders of court now in force or to be made pursuant to this Act; and where no special provisions is con-

tained in this Act or in any such rules or orders with reference thereto, it shall be exercised as nearly as may be in the same manner as prior to the 22nd day of August, 1881. R. S. O., 1887, c. 44, s. 42.

JURISDICTION OF THE COURT OF APPEAL.

Jurisdiction of court of appeal.

44. The court of appeal shall be a superior court of record and shall have appellate jurisdiction in civil and criminal cases; and in civil cases shall have jurisdiction and power to hear and determine appeals from any judgment or order, save as hereinafter mentioned, of the high court, or of any judges thereof, subject to the provisions of this Act, and to such rules and orders of court for regulating the terms and conditions on which appeals shall be allowed, as are now in force or to be made pursuant to this Act. R. S. O., 1887, c. 44, s. 43.

Jurisdiction in election cases. Rev. Stat. cc. 8-10.

45. The court of appeal shall also have jurisdiction in election cases, as provided by *The Voters' Lists Act, The Ontario Election Act* and *The Controverted Elections Act*. S. O. 1887, c. 44, s. 45.

May quash proceedings: when.

46. The court of appeal shall have power to quash proceedings in cases brought before it, in which appeal does not lie, or where such proceedings are taken against good faith. R. S. O., 1887, c. 44, s. 46.

To make whatever order may be required.

47. The court shall have power to dismiss an appeal, or give any judgment and make any decree or order which ought to have been made, and to direct the issue of any process, or the taking of any proceedings in the court below, or to award restitution and payment of costs, or to make such further or other order as the case may require. R. S. O., 1887, c. 44, s. 47.

Powers of court of appeal.

48. The powers of the court of appeal may be exercised notwithstanding that the appeal is brought against part only of the judgment of the court below; and may be exercised in favor of all or any of the respondents or parties, although such respondents or parties may not have appealed from, or complained of the judgment. R. S. O., 1887, c. 44, s. 48.

Power of a single judge in court of appeal.

49. In any cause or matter pending before the court of appeal any direction incidental thereto, not involving the decision of the appeal, may be given by a single judge of the court of appeal; and a single judge of the court of appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal, as he may think fit; but every such order made by a single judge may be discharged or varied by the court of appeal or a divisional court thereof. R. S. O., 1887, c. 44, s. 49

On an appeal from the high court, court of appeal to have all powers of high court.

50. For all the purposes of and incidental to the hearing and determination of any such appeal, and the amendment, execution, and enforcement of any judgment or order made on such appeal, and for the purpose of every other authority given to the court of appeal by this Act, the said court of appeal shall have all the power, authority and jurisdiction by this Act vested in the high court. R. S. O., 1887, c. 44, s. 50.

Jurisdiction subject to rules, etc.

51. The jurisdiction and power of the court of appeal, in respect of the said matters and all others, shall be and are subject to the provisions of this Act, and to such rules and orders of court for regulating the terms and conditions on which such appeals shall be allowed as are now in force or as may be made pursuant to this Act. R. S. O., 1887, c. 44, s. 51.

RULES OF LAW.

Law and equity to be concurrently administered.

52. In every civil cause or matter commenced in the high court of justice, law and equity shall be administered by the high court and the court of appeal respectively according to the rules following:

1. If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right which heretofore could only have been given by a court of equity, the said courts respectively, and every judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the court of chancery in a suit or proceedings for the same or the like purposes properly instituted before the passing of *The Ontario Judicature Act 1881.*

Jurisdiction as to validity of provincial statute.

2. The High Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for the Dominion, or the Attorney-General of this Province for a declaration as to the validity of any statute, or any provision in any statute of this Legislature, though no further relief should be prayed or sought; and the action shall be deemed sufficiently constituted if the two officers aforesaid are parties thereto. A judgment in the action shall be appealable like other judgments of the said court. (See sec. 55.)

Relief against penalties, etc.

3. (Subject to appeal as in other cases,) the high court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the court thinks fit.

Appointment under power.

4. No appointment, which after the 25th day of March, 1886, is made in exercise of a power to appoint any property, real or personal, among several objects,

shall be adjudged to be invalid on the ground that any object of the power has been altogether excluded, and an appointment shall be valid and effectual notwithstanding that one or more of the objects shall not thereby or in default of appointment take a share or shares of the property which is subject to the power.

But nothing in this sub-section shall prejudice or affect any provision in any deed, will, or other instrument creating a power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or shall declare some one or more object or objects of the power who shall not be excluded.

Declaratory judgments and orders.

5. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the court may make binding declarations of right, whether any consequential relief is or could be claimed or not. 48 V. c. 13, s. 5.

Equitable claims.

6. If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the said courts respectively, and every judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the court of chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceedings instituted in that court for the same or the like purposes before the passing of *The Ontario Judicature Act 1881.*

7. The said courts respectively, and every judge thereof, shall also have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said courts respectively, or any judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or

matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any rule of court or any order of the court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant.

8. The said courts respectively, and every judge thereof shall recognize and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the court of chancery would have recognized and taken notice of the same in any suit or proceedings duly instituted therein before the passing of this Act.

Restraining causes.

9. No cause or proceeding at any time pending in the high court of justice, or before the court of appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, prior to *The Ontario Judicature Act 1881*, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto:

Provided always, that nothing in this Act contained shall disable either of the said courts from directing a stay of proceedings in any cause or matter pending before it, if it shall think fit; and any person, whether a party or not to any such cause or matter, who would have been entitled, prior to *The Ontario Judicature Act 1881*, to apply to any court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said courts respectively, by motion in a summary way, for a stay of proceedings in such cause or matter either generally, or so far as may be necessary for the purposes of justice; and the court shall thereupon make such order as shall be just.

10. If any action is brought in the high court for any cause of action for which any suit or action has been brought and is pending between the same parties or their representatives in any place or country out of Ontario, the court or any judge thereof may make an order to stay all proceedings in the high court until satisfactory proof is offered to the court or judge, that the suit or action so brought in such other place or country out of Ontario is determined or discontinued. Stay of proceedings if action for same cause is pending out of Ontario.

11. Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and the other express provisions of this Act, the said courts respectively, and every judge thereof, shall recognize and give effect to all legal claims and demands, and all estates, rights, duties, obligations and liabilities existing by the common law or created by any statute, in the same manner as the same would have been recognized and given effect to, prior to *The Ontario Judicature Act 1881*, by any of the courts then existing and whose jurisdiction is now vested in the high court. Giving effect to legal claims.

12. The high court of justice and the court of appeal respectively, in the exercise of the jurisdiction vested in them by this Act in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided. R. S. O., 1887, c. 44, s. 52, (1) to (12). Multiplicity of proceedings to be avoided. All matters in controversy to be determined in one proceeding.

53. The law to be administered in Ontario, as to the matters next hereinafter mentioned, shall be as follows: Rules of law upon certain points.

1. No claim of a *cestui que trust* against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations. Statutes of Limitation not to apply to express trusts.

2. An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an Equitable waste.

intention to confer such right shall expressly appear by the instrument creating such estate.

Merger.

3. There shall not be any merger by operation of law only of any estate, the beneficial interest in which would not prior to *The Ontario Judicature Act 1881*, have been deemed, merged or extinguished in equity.

Actions for possession of land by mortgagors.

4. A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sue for such possession, or sue or distrain for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person, and in that case he may sue or distrain jointly with such other person.

Assignment of debts and choses in action.

5. In case of an assignment of a debt or other chose in action, if the debtor, trustee, or other person liable in respect of the debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the high court under and in conformity with the provisions of law for the relief of trustees.

Stipulations not of the essence of contracts.

6. Stipulations in contracts, as to time or otherwise, which would not before the passing of *The Ontario Judicature Act 1881*, have been deemed to be or to have become of the essence of such contracts in a court of equity, shall receive in all courts the same construction and effect as they would, prior to the passing of said Act, have received in equity.

Satisfaction of obligations by performance in part.

7. Part performance of an obligation, either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration, shall be held to extinguish the obligation.

Injunctions and receivers.

8. A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the court, in all cases in which it shall appear to the

court to be just or convenient that such order should be made; and any such order may be made either unconditionally, or upon such terms and conditions as the court shall think just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the court shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any color of title; and whether the estates claimed by both or by either of the parties are legal or equitable.

Court may award damages, etc.

9. In all cases in which the court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract or agreement or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract, or agreement, the court, if it thinks fit, may award damages to the party injured either in addition to or in substitution for such injunction or specific performance, and such damages may be ascertained in such manner as the court may direct, or the court may grant such other relief as it may deem just.

Purchaser not affected by irregularities orders of court.

10. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, whether with or without notice be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service.

Infants.

11. In questions relating to the custody and education of infants, the rules of equity shall prevail.

Cases of conflict not mentioned.

12. Generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail. R. S O, 1887, c. 44, s. 53 (1)-(12)

Rules of law to apply to all courts.

54. The several rules of law enacted and declared by this Act shall be in force and receive effect in all courts whatsoever in Ontario, so far as the matters to which such rules relate shall be respectively cognizable by such courts R. S. O., 1887, c. 44 s. 54.

Notice to be given to Minister of Justice and

55.—(1) When in any action or other civil proceeding, the constitutional validity of any Act of the Parliament of Canada or of the Legislature of Ontario comes into question,

Attorney-General of Ontario before any Act is declared invalid.

the same shall not be adjudged to be invalid until after notice thereof has been served on the Minister of Justice and the Attorney-General of Ontario, or at their offices respectively.

(2) The notice in such case shall be entitled in the cause; shall state what the Act or section of an Act is which is in question, and the day on which the case or the said question is to be argued; and shall give such other particulars as are necessary to show the constitutional point proposed to be argued.

(3) The notice shall be served six days before the day of the argument unless a judge authorizes a shorter notice.

(4) Upon every such question the said Minister of Justice and the said Attorney-General shall be entitled as of right to be heard, either in person or by counsel, notwithstanding that the crown is not a party to the action or proceeding. R. S. O., 1887, c. 44 s. 55.

SITTINGS AND DISTRIBUTION OF BUSINESS.

Abolition of terms.

56. The legal year *shall not be divided* into terms so far as relates to the administration of justice; and there shall not be terms applicable to any sitting or business of the high court, or of any commissioners to whom any jurisdiction may be assigned under this Act, or of any commissioners of assize; but in all cases in which, under the law existing prior to the 22nd day of August, 1881, the terms into which the legal year was divided were used as a measure for determining the time at or within which any act was required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made any lawful authority. R. S. O., 1887, c. 44 s. 56.

Sitting of courts.

57.—(1) Subject to rules of court, the high court of justice, and the court of appeal, and the judges thereof respectively, or any such commissioners as aforesaid, shall have power to sit and act at any time and at any place, for the transaction of any part of the business of such courts respectively, or of such judges or commissioners, or for the discharge of any duty which by any statute, or otherwise, is required to be discharged.

Where to be held.

(2) Subject to the preceding provision the divisional sittings of the high court shall be held at the city of Toronto. R. S. O., 1887, c. 44, s. 57.

Vacations.

58. The Lieutenant-Governor in Council may from time to time, upon any report or recommendation of the council of judges of the supreme court hereinafter mentioned, make, revoke or modify, orders regulating the vacations to be observed

by the high court of justice and the court of appeal, and in the offices of the said courts respectively; and any order in council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act; and rules of court may be made for carrying the same into effect in the same manner as if such order in council were part of this Act. R. S. O., 1887, c. 44, s. 58.

Commissions of assize and other commissions.

59. Commissions of assize or any other commissions, either general or special, may be issued, by the proper authority, assigning to the persons to be therein named, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter, depending in the said high court; or the exercise of any civil or criminal jurisdiction capable of being exercised by the said high court; and any commission so issued shall be of the same validity as if it were enacted in the body of this Act; and any commissioner or commissioners shall, when engaged in the exercise of any jurisdiction so assigned to him or them, be deemed to constitute a court of the said high court. R. S. O., 1887, c. 44, s. 59.

Business to be disposed of by one judge as far as practicable.

60.—(1) Every action and proceeding in the high court and all business arising out of the same, except as hereinafter provided, shall, so far as is practicable and convenient, be heard, determined, and disposed of, before a single judge.

(2) A judge sitting elsewhere than in a divisional court, is to decide all questions coming properly before him, and is not to reserve any case, or any point in a case, for the consideration of a divisional court.

(3) In all such cases any judge sitting in court shall be deemed to constitute a court. R. S. O., 1887, c. 44, s. 61.

Divisional courts of the high court.

61.—(1) All business which may from time to time be so ordered by rules of court shall be transacted and disposed of by divisional courts of the high court, which shall for that purpose exercise all or any part of the jurisdiction of the said high court. ☞R. S. O. 1887, c. 44, s. 62 (1).☜

Other matters to be heard before divisional court.

☞**63**. Subject to rules of court, the following proceedings and matters shall be heard and determined before a divisional

court of the high court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court:—

When statute declares decision of court to be final.

(1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final.

Habeas corpus cases.

(2) Cases of *habeas corpus* in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court.

Applications for new trials in jury cases.

(3) Application for new trials in the high court where the action has been tried with a jury.

By agreement of parties.

(4) Other cases where all parties agree to the same being heard before a divisional court.

Jud. Act s. 68, 69; *re* Wilson, 30 C. L. J., 399 A, Con. Rule 219.

Divisional courts to be divisional courts of High Court.

64. The Queen's bench, chancery, and common pleas divisions of the high court shall not sit or give judgments as such divisions (except for the purposes of the Criminal Code, 1892); and there shall not be divisional courts of any of the said divisions; but the divisional courts shall be divisional courts of the high court, without reference to the said divisions. (Criminal Code, 1892, s. 3, sub-sec. 1 (e(i)); *ib.* s. 742.)

Sittings of divisional courts.

65. There shall be a sitting of a divisional court of the high court every month, except during the long vacation, and such sitting shall begin on the first Monday of the month unless the first Monday is a holiday or is in any vacation; and in any such excepted case the sitting shall begin on the first juridical day thereafter.

(2) Every monthly sitting shall continue from day to day until all the business thereof is disposed of.

(3) A divisional court of the high court may sit oftener than monthly, and two or more divisional courts of the high court may sit at the same time, whenever, in the opinion of a majority of the judges of the high court, the same is necessary for the due dispatch of business. R. S. O., 1887, c. 44, s. 62 (2).

Divisional courts, how composed.

66. Every divisional court of the high court shall be composed of three judges.

(2) No judge shall sit as a judge on the hearing of an appeal from any judgment or order made by himself; but subject to this provision every judge of the high court shall be qualified and empowered to sit in any of such divisional courts. R. S. O., 1887, c. 44, s. 62 (4).

(3) The judges of the high court or a majority of them may arrange in what order the judges of the high court shall hold the said sittings.

(4) If no arrangement is made, or subject to any arrangement so made, the presiding judge shall wherever practicable be a president of one of the divisions of the high court; and the presidents shall preside at the said monthly sittings successively in order of their seniority; and two other judges of the high court in rotation and in order of seniority shall be associated with one of the said presidents in holding every such sittings. (*Vide Judicature Act*, sec. 38.)

(5) When the president of a division is not present, the president of every such divisional court of the high court shall be the senior judge of those present, according to the order of their precedence under this Act or otherwise. R. S. O., 1887, c. 44, s. 62

(6) Nothing in this Act is to be construed as preventing any judge from sitting in a divisional court by mutual arrangement, or in the absence of the judge whose turn it may be to sit; and nothing in this Act is to be construed as making irregular any sitting or any proceeding thereat by reason of the court not being constituted as hereinbefore mentioned, provided that the sitting is held by the proper number of judges, not including the judge from whose judgment or order an appeal is heard.

(7) Where a judge has heard a case in a divisional court and is not present at the time of the judgment being delivered, his written judgment may be read by one of the other judges of such divisional court, and shall have the same effect as if he were present. (*Judicature Act*, sec. 14.)

Judges to take part in business of any division.

67.—(1) Subject to any rules of court, it shall be the duty of every judge of the high court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other divisional court, to take part, if required, in the sittings of such divisional courts as may from time to time be deemed necessary for the transaction of the business of the high court.

(2) All such arrangements as may be necessary or proper for that purpose, or for constituting or holding any divisional courts of the said high court for any other purpose authorized by this Act, and also for the proper transaction of that part of the business of the said divisions respectively which ought to be transacted by one or more judges not sitting in a divisional court, shall be made from time to time under the direction and superintendence of the judges of the said high court; and in case of difference among them, in such manner as a majority of the said judges shall determine. R.S O., 1887, c. 44, s. 64.

Orders not subject to appeal.

68. No order made by the high court or any judge thereof, by the consent of parties, or as to costs only which by law are left to the discretion of the court, shall be subject to any appeal, except by leave of the court or judge making such order. R. S. O., 1887, c. 44, s. 65.

Appeals from interlocutory orders.

69. There shall be no appeal to a divisional court from any interlocutory order, whether made in court or chambers, in case prior to *The Ontario Judicature Act 1881*, there would have been no relief from a like order by an application to a superior court; and there shall be no appeal to the court of appeal from any interlocutory order in case prior to *The Ontario Judicature Act 1881*, there would have been no relief from a like order by an appeal to the court of appeal. Any doubt which may arise as to what orders, or judgments, are interlocutory, shall be determined by the court of appeal. R. S. O., 1887, c. 44, s. 68.

Only one appeal to be allowed.

☞**70**. After this Act goes into force there shall not be more than one appeal in this Province from any judgment or order made in any action or matter; save only at the instance of the Crown in a case in which the Crown is concerned; and save in certain other cases hereinafter specified.☜

Appeals to a divisional court.

☞**71**. Subject to section 69 of this Act, an appeal shall lie to a divisional court of the high court; instead of as heretofore provided by any statute or rule of court, in the following cases:

Orders of judge in chambers, masters, local judges, etc.

(1) From [*judgments or*] orders made in actions or matters in the high court by a judge in chambers, and from [*judgments or*] orders made by the master in chambers, the master in ordinary, a local judge, a district judge, a stipendiary magistrate, or a local master (R. S. O., c. 91, s. 43);

Reports of masters and referees.

(2) From the reports of masters and official referees;

Order of single judge.

(3) From any judgment or order of a judge of the high court in court;

Under Rev. Stat. c. 47.

(4) From county and district courts, as provided in *The County Courts Act*;

Under Rev. Stat. c. 50, 137.

(5) From surrogate courts or a surrogate judge, as provided in *The Surrogate Courts Act* and *The Act respecting Infants*;

Under Rev. Stat. c. 57.

(6) From division courts, as provided in *The Division Courts Act*;

From district courts under Rev. Stat. c. 91.

(7) From provisional judicial district courts, as provided in *The Unorganized Territories Act* (R. S. O., c. 91, s. 53; R. S. O., 44, s. 44);

(8) From stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act*; — From stipendiary magistrates under Rev. Stat. c. 91.

(9) From a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act*, as provided in the said Act; — From county judge under Rev. Stat. c. 194.

(10) From a judge of a county court, as provided in *The Act respecting Water Privileges*; — From county judge under Rev. Stat. c. 119.

(11) From a judge of a county court, or stipendiary magistrate, as provided in the *Act respecting the public interests in Rivers, Streams and Creeks* (R. S. O., c. 120, s. 15); — From county judge or stipendiary magistrate under Rev. Stat. c. 120.

(12) From a judge of a county court as provided by *The Act respecting Over-holding Tenants*. (R. S. O. c. 144, s. 6.)

APPEALS TO THE COURT OF APPEAL.

72. Subject to the exceptions and provisions contained in this Act, an appeal shall lie to the court of appeal from every judgment, order or decision of the high court whether the judgment, order or decision was that of a divisional court or of a judge in court, and including cases tried with a jury where the appellant complains of the judgment and asks in the alternative for a new trial.

73.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided. — No appeal to lie from divisional court.

(2) In case, after this Act goes into effect, a party appeals to a divisional court of the high court in a case in which an appeal lies to the court of appeal, the party so appealing shall not be entitled to afterwards appeal from the said divisional court to the court of appeal, but any other party to the action or matter may appeal to the court of appeal from the judgment or order of the divisional court. — Party appealing to divisional court not to appeal, but other parties may.

(3) In other cases, an appeal to the court of appeal shall not lie from a judgment or order of a divisional court pronounced on an appeal to such divisional court except by special leave first obtained upon an application to such divisional court, or the judge whose judgment or order is in question, or to the court of appeal or a judge thereof. — Appeal on special leave to court of appeal.

(4) The granting or refusing of such leave shall be in the discretion of the court or judge applied to therefor, in view of all the circumstances; and in case of such leave being granted, such terms and conditions may be imposed as the court or judge sees fit; but such leave shall not be granted unless, besides being in the opinion of the court or judge a proper case for — Powers of court or judge on application for leave to appeal.

the granting of the leave, the case falls within one or more of the following cases, that is to say :

Where the matter in controversy on the proposed appeal exceeds the sum or value of $1,000 exclusive of costs; or involves indirectly or otherwise that sum or value; or involves the validity of a patent; or where the judgment or order involves a question of law or practice on which there have been conflicting decisions or opinions by the high court of justice, or by judges thereof; or where a judgment or order is in regard to a matter of practice, but affects the ultimate rights of parties to the action to the extent of the said sum or value; or where there are other sufficient special reasons for treating the case as exceptional and allowing a further appeal.

LIMITATION OF TIME FOR APPEALING.

Time within which appeals from judgments or decretal orders must be brought to a hearing.

74. Subject to the provisions of this Act all appeals from a judgment, decision, rule or decretal order of the high court, shall be brought to hearing within one year after the giving of the judgment, decision, rule or order, or within such further time as the court of appeal may allow. R. S. O., 1887, c. 44, s. 73.

Time within which appeals from interlocutory orders must be brought to a hearing.

75. If the appeal is from an interlocutory order, not being a decretal order, then the appellant shall bring the same to a hearing within six months from the pronouncing of the same, or within such further time as may be allowed for the purpose by the court of appeal, upon special grounds shown to the satisfaction of the court or judge granting the same. R. S. O. 1887, c. 44. s. 74.

Time to be reckoned from the judgment or order becoming absolute

76. The time limited for appealing from a judgment or order, which under any general orders of the court of chancery still remaining in force, does not become absolute upon the same being pronounced, shall be computed from the time when the same does become absolute. R. S. O., 1887, c. 44, s. 75.

SECURITY FOR COSTS OF APPEAL.

Security for costs not to be required unless ordered.

77. On an appeal to the court of appeal, from any court or judge, or on an appeal from a single judge or from a county court or county court judge to a divisional court of the high court, no security shall be required for costs or damages, unless such security is specially ordered by the court to which the appeal is made or a judge thereof. (*Vide Judicature Act*, sec. 71; Consol. Rules No. 804 to 811; R. S. O., c. 51, s. 108; R. S. O., c. 91, s. 31, 56; R. S. O., c. 194, s. 119; R. S. O., c. 119, s. 15.)

PROCEDURE OF COURT OF APPEAL.

78.—(1) An appeal to the court of appeal shall be by notice of motion setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down, for the first day of the sitting of the court of appeal commencing after the expiration of one month from the date on which judgment has been signed, or for such later day in any case as the court of appeal or a judge thereof may allow. The notice shall be served within one month after the judgment complained of, or within such further time as the court of appeal or a judge thereof may allow. *Jud. Act*, s. 91. Notice of motion, setting down appeal.

(2) In case of such notice of appeal being so given and the appeal set down as aforesaid, and notice thereof, signed by the registrar of the court of appeal, being given to the sheriff where a writ of execution is in his hands, the execution of the judgment or order appealed from shall be stayed pending the appeal, unless otherwise ordered by the court or judge appealed from or by the court to which the appeal is made or a judge thereof; and the order may be on such terms as the court or judge applied to thinks fit. *Judicature Act*, sec. 71; Consolidated Order 204.

(3) Printed appeal books shall not be necessary; but the court appealed from or a judge thereof, or the court of appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal. Printed appeal books not necessary.

(4) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary type-written copies. Cost of unnecessary printing.

EFFECT OF JUDICIAL DECISIONS.

79.—(1) The decision of a divisional court of the court of appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the court of appeal and all divisional courts thereof, as well as on all other courts and judges and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned. Decision of divisional court of court of appeal to bind court of appeal and all divisions thereof.

(2) It shall not be competent for the high court or any judge thereof in any case arising before such court or judge to disregard or depart from a prior known decision of any court or judge of co-ordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court. Decision of court of co-ordinate authority to be binding.

SITTINGS FOR TRIALS.

Sittings for trial of causes.

80.—(1) Subject to rules of court, as often in every year as the due despatch of business and the public convenience may require there shall be sittings of the high court at every county town for the trial of causes, matters and issues, whether legal or equitable, in all divisions of the high court, which are to be heard and determined by a judge without a jury, and also for the trial of causes, matters and issues in all divisions of the High Court which are to be tried with a jury, and for the trial of criminal matters and proceedings; and in case such first mentioned sittings are appointed at any county town for the same time and before the same judge as jury cases, separate lists shall be made of the jury and non-jury cases, and the jury cases shall first be disposed of, unless the judge sees fit to direct otherwise.

(2) The judges of the supreme court of judicature, or a majority of them, shall appoint the days upon which such sittings shall be held. R. S. O., 1887, c. 44, s. 89.

Judges to appoint days for holding courts of assize.

81.—(1) Subject to rules of court, not less than two of such sittings shall be held at the county town of every county and union of counties in each year. R. S. O., 1887, c. 44, s. 90 (1).

Sault Ste. Marie, Port Arthur, Rat Portage.

(2) Two of such sittings shall ordinarily be held in each year at Sault Ste. Marie, Port Arthur and Rat Portage respectively, on such days as may from time to time be appointed therefor by the judges of the supreme court of judicature, or a majority of them, but if the said judges, on inquiry, ascertain on any occasion that any of such sittings are not required for the administration of justice, it shall not be necessary to appoint a day for holding the same. 56 V. c. 11, s. 3.

(*a*) No such sitting is to be held in long vacation. 56 V. c. 11, s. 3 (2.)

York.

(3) *In* the county of York, there shall in every year be held at *the county town of* such county *not less than three of* such sittings, and *also* a fourth such sittings *when required for the administration of justice* but if the said judges, on inquiry, ascertain that such *fourth* sittings for any year are not required for the administration of justice, it shall not be necessary to hold the same or to appoint a day for holding the same. R. S. O., 1887, c. 44, s. 90 (3); 57 V. c. 19, s. 1.

(4) In the county town of the counties of Carleton, Wentworth and Middlesex, there shall, *in every year*, be held at *each of the* county towns of said counties not less than three of such sittings. 53 V. c. 15, s. 1. Carleton.

(5) In addition to the regular sittings to be held under subsection 1 of this section, a third such sittings may be appointed if the judges of the supreme court, or a majority of them, shall see fit for the trial of civil causes, matters and issues and criminal matters and proceedings, or of civil causes, matters and issues only, to be held at the county town of any county in the province. R. S. O., 1887, c. 44, s. 90, (4), (5).

82. The judges of the supreme court may appoint sittings of the high court in any county in the province, as often and at such times as they see fit, for the trial of causes which are to be tried by a judge without a jury. R. S. O., 1887, c. 44, s. 91. Judges may appoint sittings in any county for issues to be tried without a jury.

83. The sittings of the high court for the trial of civil causes, matters and issues in any county may, in the discretion of the judges appointing the days therefor, or of the judge who has been appointed to preside or is presiding thereat, be held separate and apart from the sittings for the trial of criminal matters and proceedings, either on the same day or on a different day. R. S. O., 1887, c. 44, s. 92. Separate sittings for civil and criminal matters.

84. Such sittings may, at the discretion of the court or of the judge who is to hold the same, be held in the court house of the county town in which the same are appointed to be held, or in such other place in the county town as the judge selects; and the judge shall in all respects have the same authority as a judge formerly had when sitting at nisi prius in regard to the use of the court house, gaol and other buildings or apartments set apart in the county for the administration of justice. R. S. O., 1887, c. 44, s. 93. Place in county towns where court to be held.

85.—(1) Such sittings shall be presided over by one of the judges of the supreme court; or in their absence by a retired judge of the supreme court or by a judge of any county court in Ontario, or by one of Her Majesty's counsel learned in the law appointed for Upper Canada, or for the Province of Ontario, upon such judge or counsel being requested by a judge of the supreme court to attend for that purpose. Who may preside.

(2) Such judge or counsel while holding the sitting shall possess, exercise and enjoy all the powers and authorities of a judge of the high court, and in civil proceedings may reserve

the giving of his decision on questions raised at the trial; and such decision shall have the like force and effect as the decision of a judge of the high court. R. S O., 1887, c. 44, s. 94.

Course to be pursued by the sheriff if the judge of assize does not arrive on the day appointed for opening court.

86. Where the judge whose duty it is to hold any sittings of the high court for the trial of civil causes, matters and issues and for the trial of other matters and proceedings within the jurisdiction of the Provincial Legislature, does not arrive in time, or is not able to open such court on the day appointed for that purpose, the sheriff of the county in which such court should be holden, or, in his absence, his deputy, may, after the hour of six of the clock in the afternoon of such day, adjourn by his proclamation, the court which should have been opened on that day, to an hour on the following day to be by him named, and so from day to day until the judge arrives to open such court, or until such sheriff receives other direction from the judge in that behalf. R. S. O. 1887, c. 44, s. 95; 52 V., c. 10, s. 3.

Sittings to commence at one o'clock in the afternoon.

87. *No such* sittings of the high court for the trial of causes, matters and issues shall open earlier than one of the clock in the afternoon on the first day of the sittings, but this shall not prevent a non-jury trial from being begun before one of the clock with the consent of the parties and of the judge. 57 V., c. 20, s. 12.

Hours for sittings.

(2) No such sittings shall begin before nine o'clock in the forenoon, nor, except for special reasons, extend beyond seven o'clock in the evening, with at least a half-hour's intermission at or near noon. An irregularity under this section shall not render any trial or other proceeding void.

Entering non-jury actions for trial.

88. All non-jury actions in any county may be entered for trial at any sittings of the high court in such county, except in the county of York.

General docket after sittings of high court or assizes.

89. At the sittings of the high court or assizes in any county town there shall be a general docket in addition to the docket of cases entered for trial, and such general docket may include all motions, petitions, proceedings and other matters which may be heard by a judge in court or in chambers in the cases following, namely: where the solicitors consent, or where the matter in controversy arose in the county, or where the party opposing or showing cause in the matter, or his solicitor, resides in the county. Such general docket shall be disposed of after the trial of causes. R. S. O., c. 51, s. 81.

TRIAL OF SUPERIOR COURT CASES IN COUNTY COURTS, AND COUNTY COURT CASES BEFORE HIGH COURT.

Certain cases in high court may be tried in the county court of the county in which the *venue* is laid.

90.—(1) All issues of fact and assessments of damages in the high court relating to debt, covenant and contract, where the amount is liquidated or ascertained by the signature of the defendant, may be tried and assessed in the county court of the county where the trial is to take place, if the plaintiff desires it, unless a judge of the high court otherwise orders, and upon such terms as he deems meet.

(2) In such case the action shall be entered for trial, notice of trial shall be given, and the trial take place in the same way as in ordinary cases in such county court.

Certain cases in the high court may be sent to be tried at the county court of the county in which the action is brought.

Proceedings in such case.

(3) In any action in the high court, in which the amount of the demand is ascertained by the signature of the defendant, and in any action for any debt in which a judge of the said high court is satisfied that the case may safely be tried in a county court, any judge of the high court may order that such case shall be tried in the county court of the county where such action was commenced, and such action shall be tried there accordingly, and the record shall be made up as in other cases; and the order directing the case to be tried in the county court shall be left with the clerk of the county court on entering the action for trial, annexed to the certified copy of the pleadings for the judge; and the trial shall take place in the same way as in ordinary cases in such county court. R. S. O., 1887, c. 44, s. 96.

By order county court cases may be tried at high court sittings.

91.—(1) By the order of a judge of the high court, made upon such terms as the judge may consider just, the issues of fact and assessment of damages in any action pending in a county court may be tried and assessed at the sittings of the high court at any county town.

(2) In such cases the action shall be entered and the case tried as in ordinary cases. R. S. O., 1887, c. 44, s. 97.

Powers of county court as to awards when judge refers to arbitration, etc.

92. Where any such cause is referred by the presiding judge at such sittings, the county court in which the action is brought, and the judge thereof, shall have the same power to enforce any award, report or certificate made on the reference, and to make rules and orders upon appeals therefrom and motions relating thereto, as if the order referring the case had been made by the county judge. R. S. O., 1887, c. 44, s. 98.

Books for judge's notes of trial, etc.

93. The clerks of the several county courts shall provide books in which the judges presiding at the sittings of the high court, where cases brought in any county court are tried or assessed under this Act, may enter their notes of such trials and assessments; and such books, immediately after the trials or assessments, shall be returned to the said clerks and shall remain in their offices. R. S. O., 1887, c. 44, s. 99.

Fees to officers.

94. The jury fees and the fees and charges payable and pertaining to officers of the county courts, upon all actions or proceedings brought in the county courts, and tried or assessed in the high court, shall be chargeable and paid as if the same were being tried or assessed in the county courts; and no other fees shall be chargeable thereon, and the clerk of a county court shall be entitled to receive and take such part thereof as pertains to him, to his own use. R. S. O., 1887, c. 44, s. 100.

WEEKLY SITTINGS AT OTTAWA AND LONDON.

Sittings of high court at Ottawa and London.

95. Subject to rules of court under the next following section sittings of the high court of justice shall be held at Ottawa and London respectively at least one day in each week except during the long and Christmas vacations; and all proceedings in any action or matter in the said court which may be heard and disposed of before a single judge in court, or by a judge in chambers (not including such proceedings as may in the first instance be heard and disposed of by the master in chambers or local judge), may be heard and determined at such weekly sittings in the cases following:

Matters which may be heard at such sittings.

(1) Where the solicitors for all parties reside in the county in which the sittings are held;

(2) Or where such solicitors who do not so reside shall consent in writing under their hands, to the proceeding being heard at the said sitting;

(3) Or where such solicitors as do not so reside or so consent as aforesaid shall have registered their names in the book to be kept as hereinafter provided;

(4) Or where the solicitors for all parties are so resident or consent as aforesaid with the exception of the solicitor for the party an whose behalf and at whose instance the proceeding is being taken;

(5) Or where the party making and entitled to make an *ex parte* motion sees fit to make it at said sittings;

(6) Or where any rules of court made hereafter, or where any court or judge, may direct any proceedings to be heard at such sittings. 57 V. c. 20, s. 1.

Rules as to sittings at Ottawa and London.

96. Upon the written request of a majority of the practising solicitors resident at Ottawa and London, or either of them, the judges of the high court may by rule, passed as provided by section 134 of this Act, substitute monthly or semi-monthly sittings in either or both of the said cities, as the case may be, in lieu of the weekly sittings required to be held under the preceding section. Every such rule may be rescinded, altered and restored like other general rules and orders.

97. To avoid the necessity of a judge attending when there is no business, all proceedings to be brought on at any weekly sittings shall be entered for that purpose with the registrar on or previously to the day next but one before the day appointed for the sittings; and it shall be the duty of the registrar on the evening of the last day for making such entries to notify by mail or telegraph the registrar of the chancery division of the high court at Toronto, or any other officer of the high court named for this purpose from time to time by the court, as to whether any and what business has been so entered, and the said registrar or other officer shall forthwith by note in writing inform the judge appointed to attend at such sittings; and if no business has been so entered it shall not be necessary for any judge to attend. 57 V. c. 20, s. 2.

Notice of matters to be heard at sittings.

98. Solicitors desiring to be registered shall file with the deputy clerk of the Crown or local registrar at the place of such sittings a request to the effect following:

I (*or* in the case of a firm, we) hereby request the deputy clerk of the Crown (*or* local registrar) of the high court at Ottawa (*or* London) to register my (*or* our) name as consenting to the hearing and disposal at the sittings of the high court at Ottawa (*or* London *as the case may be*) of all proceedings in which I (*or* we) may be acting as solicitor (*or* solicitors) as provided by *The Judicature Act 1895*. 57 V. c. 20, s. 3.

Form of declaration by solicitors desiring to be registered.

99. The deputy clerk of the Crown or local registrar at Ottawa and London respectively shall in regard to matters under sections 95 to 104 of this Act perform the duties pertaining to the clerk of records and writs and the registrar or clerk in court or chambers at Osgoode Hall. 57 V. c. 20, s. 4.

Duties of deputy clerks.

100 A book to be called "The Middlesex (*or* Carleton) consent register" shall be kept by the deputy clerk of the Crown or local registrar at Ottawa and London respectively, wherein shall be recorded such requests as aforesaid and the names of the local agents (if any) of the solicitors filing the said request; and such solicitors so registered shall be deemed to have consented to the hearing at the said sittings of any proceeding that may lawfully be made thereat.

"Consent register."

(2) This book shall be open to inspection by any solicitor or his clerk without fee or reward

(3) A solicitor who files such request may at any time withdraw the same by giving to the same officer notice in writing to that effect as respects future actions. In respect of actions begun before such withdrawal the order of a judge made on notice shall be necessary. The local registrar upon receiving such notice of withdrawal or such order of a judge shall forthwith make an entry thereof in the said book.

(4) A judge holding any such sittings shall take judicial notice of the said book and the entries therein. 57 V. c. 20, s. 5.

"Proceedings," what to include.

101. Proceedings under the sections *95* to *104* inclusive of this Act shall be deemed to include motions, petitions special cases appeals and other proceedings and matters generally, which by the law and practice of the said court may be heard and disposed of by a single judge in court as aforesaid. 57 V. c. 20, s. 6.

Fees.

102. Where proceedings are taken under the provisions of sections *95* to *104* of this Act no greater fees shall be taxed as between party and party or between solicitor and client than would have been taxable had such proceedings been carried on in accordance with the previously existing practice. 57 V. c. 20, s. 7.

Where judge unable to attend on the day fixed.

103. Where the judge whose duty it is to hold such sittings is not able to hold the same on the day appointed for that purpose, such sittings may be presided over by some other judge of the high court or by a judge of any county court in Ontario, or by one of Her Majesty's counsel learned in the law appointed for Upper Canada or for the Province of Ontario upon such judge of a county court or counsel being requested by a judge of the high court to attend for that purpose.

(2) Such judge or counsel while holding the sittings shall possess all the powers and authorities of a judge of the high court. 57 V. c. 20, s. 8.

104. Until rules of court, specially applicable to sections *95* to *104* of this Act are made, the present rules, relating to setting down and giving notice of motions and other matters before a judge in court, or in chambers in Toronto, shall *mutatis mutandis* apply to proceedings under said sections. 57 V. c. 20, s. 10.

OFFICIAL REFEREES AND ASSESSORS.

References and assessors.

105.—(1) Subject to any rules of court and to such right as may exist to have particular cases submitted to the verdict of a jury, any question arising in any cause or matter before the high court of justice or before the court of appeal, may be referred by the court or by any divisional court or judge before whom such cause or matter may be pending, for inquiry and report to a judge of a county court, or to an official referee, or to any other person agreed on by the parties.

(2) The high court, or any divisional court or judge as aforesaid, or the court of appeal, may also, in any such cause or matter as aforesaid in which it may think it expedient so

to do, call in the aid of one or more assessors specially qualified, and try and hear such cause or matter wholly or partially with the assistance of such assessors.

(3) The remuneration, if any, to be paid to such referees or assessors shall be determined by the court. R. S. O., 1887, c. 44, s. 101.

Power to direct trials before referees.

106.—(1) In any cause or matter before the said high court, (1) in which all parties interested who are under no disability consent thereto, and (2) without such consent in any such cause or matter requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the court or a judge conveniently be made before a jury, or conducted by the court or judge directly, the court or a judge may at any time, on such terms as may be thought proper, order any question or issue of fact, or any question of account arising in the cause or matter, to be tried either before a judge of a county court, or before an official referee, or (if the parties so agree) before a special referee.

(2) All such trials before referees shall be conducted in such manner as may be prescribed by rules of court and subject thereto in such manner as the court or judge ordering the same shall direct. R. S. O., 1887, c. 44, s. 102.

Power of referees and effect of their findings.

107. In all cases of a reference to or trial by referees under this Act, the referees shall be deemed to be officers of the court, and shall have such authority for the purpose of the reference or trial as shall be prescribed by rules of court, or (subject to such rules) by the court or judge ordering such reference or trial; and the report of any referee upon any question of fact on any such trial shall, unless set aside by the court, be equivalent to the verdict of a jury. R. S. O., 1887, c. 44, s. 103.

Powers of court with respect to proceedings before referees.

Rev. Stat., c. 53.

108. With respect to all such proceedings before referees and to their reports, the court or judge shall have, in addition to any other powers, the like powers as by *The Act respecting Arbitrations and References* are given to the high court with respect to references to arbitration and proceedings before arbitrators and their awards and appeals therefrom respectively. R. S. O., 1887, c. 44, s. 104.

TRIAL AND PROCEDURE.

Certain actions for torts to be tried by a jury.

109. In actions of libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, all questions which might heretofore have been tried by a jury, shall be tried by a jury, unless the parties in person or by their solicitors or counsel, waive such trial. R. S. O., 1887, c. 44, s. 76.

Cases formerly within exclusive jurisdiction of court of chancery.

110. Subject to rules of court, all causes matters and issues, over the subject of which prior to *The Administration of Justice Act* of 1873, the court of chancery had exclusive jurisdiction, shall be tried without a jury, unless otherwise ordered. R. S. O., 1887, c. 44, s. 77.

Other issues to be tried and damage assessed by judge alone.

111.—(1) Subject to rules of court, all causes, matters and issues other than aforesaid, and the assessment or enquiry of damages therein may, and (subject to the provisions of section 80) in the absence of such notice as in sub-section 2 of this section mentioned shall be heard, tried and assessed by a judge without a jury.

Unless jury notice given or court or judge otherwise directs.

(2) If any of the parties desires the issues of fact to be tried or damages to be assessed or enquired of by a jury, he shall, at least eight days before the sittings at which the action is to be tried, or within such other time as may be ordered by the court or a judge, file and serve on the opposite party a notice in writing to the effect following, that is to say:

"The Plaintiff (*or one or more of them or* the Defendant, *or one or more of them as the case may be*) requires that the issues in this cause be tried (*or* the damages assessed) by a jury,"

and a copy of the notice shall be attached to the record or certified copy of the pleadings prepared for the judge. R. S. O., 1887, c. 44, s. 78.

Effect of notice requiring a jury.

112.—(1) Where any one of the parties has given such notice requiring a jury, the issues of fact therein shall (subject to the provisions of section *114*) be tried and determined or the damages assessed by the verdict of jurors duly sworn for the trial of such issues or for the assessment of such damages.

Parties may waive notice.

(2) The parties present at the trial may consent that the said notice requiring a jury shall be waived, and the case tried and damages assessed by the judge, and may endorse a memorandum of such consent upon the record, and thereupon the judge may try the issues or assess the damages without a jury. R. S. O., 1887, c. 44, s. 79.

Agreement of ten jurors in verdict or answers to be sufficient.

(3) In all civil cases at the time of the passing of this Act or thereafter depending in the high court of justice or in a county court, or in any matter or cause within the jurisdiction of the Provincial Legislature, where issues are tried or where damages are assessed by a jury, it shall be sufficient if ten of the jurors empanelled for the trial or assessment shall agree, instead of twelve as heretofore required; and in such case ten jurors may give the verdict, or answer the questions submitted to the jury by the judge.

Effect of verdict or answers so given.

(4) A verdict rendered or question answered under the provisions of this section shall have the same effect as the verdict or answer heretofore given by twelve jurors.

Special juries.

(5) This section shall apply to special juries.

113. If at the trial of any action or issue or assessment of damages now pending, or hereafter brought, a juror should die or become incapacitated by illness or any other cause from continuing to sit or act on the jury, or if it should be discovered that one of the jury sworn has an interest in the result or is a relative of any of the parties to the suit within the degree of first cousin, the presiding judge, in case of such illness, interest, relationship or other cause, may discharge such juror, and may in any such cases direct that the trial or assessment shall proceed on such terms as he thinks fit with eleven jurors, and in such case ten jurors may give the verdict or answer the questions submitted to the jury by the judge. Death or illness of juror or discovery of interest during trial.

114. Notwithstanding anything in the next preceding two sections contained, the judge presiding at the trial may in his discretion direct that the action or issues shall be tried or the damages assessed by a jury; and upon application to the court in which the action is pending, or to a judge thereof, by an order made before the trial, or by the direction of the judge presiding at the trial, the issues may be tried and damages assessed without a jury. R. S. O., 1887, c. 44, s. 80 Judge may direct trial by jury, or without a jury.

PLACE OF TRIAL.

115. Every action in the high court shall be tried in the county in which the cause of action arises in case all the parties to such action reside in that county, provided always that a judge of the high court may, on application by either party to the action, and for good cause shown, order the action to be tried in another county, on such terms as to him may seem proper.

Verdict.

116. Upon a trial by a jury, where the court or the presiding judge otherwise directs, it shall not be lawful for the jury to give a general verdict, and it shall be the duty of the jury to give a special verdict if the court or presiding judge so directs; and unless the court or the presiding judge otherwise directs, the jury may give either a general or a special verdict; but this section shall not apply to actions of libel. R. S. O., 1887, c. 44, s. 83. Court may direct jury to give a special verdict, except in actions for libel.

117. Upon a trial by jury, in any case except an action for libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, the judge, instead of directing the jury to give either a general or a special verdict, may direct the jury to answer any questions of fact stated to them by the judge for the purpose; and in such case the jury shall answer such questions, and shall not give any verdict; and, on the finding of the jury upon the questions In certain cases the jury may be directed to answer questions, and on the answers the judge shall enter verdict.

which they answer, the judge shall direct judgment to be entered. R. S. O., 1887, c. 44, s. 84.

Interest.

Interest may be allowed where it has been usual.

118. Interest shall be payable in all cases in which it is now payable by law, or in which it has been usual for a jury to allow it. R. S. O., 1887, c. 44, s. 85.

When allowed on debts certain and overdue.

119.—(1) On the trial of any issue, or any assessment of damages, upon any debt or sum certain, payable by virtue of a written instrument at a certain time, interest may be allowed to the plaintiff from the time when the debt or sum became payable.

(2) If payable otherwise than by virtue of a written instrument at a certain time, interest may be allowed from the time when a demand of payment is made in writing, informing the debtor that interest will be claimed from the date of the demand. R. S. O., 1887, c. 44, s. 86.

When by way of damages in certain actions.

120. In actions for conversion of goods or for trespass *de bonis asportatis*, the jury may give interest in the nature of damages over and above the value of the goods at the time of the conversion or seizure, and in actions on policies of insurance may give interest over and above the money recoverable thereon. R. S. O., 1887, c. 44, s. 87.

Interest on judgments.

121. Unless it is otherwise ordered by the court, a verdict or judgment shall bear interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, notwithstanding that the entry of judgment upon the verdict, or upon the giving of the judgment, shall have been suspended by any proceedings in the action, whether in the court in which the action is pending or in appeal. R. S. O., 1887, c. 44, s. 88.

Pleadings in Actions on Foreign Judgments.

Suit upon judgment in Quebec, where service was personal.

122. In any suit brought in Ontario on a judgment or decree obtained in the Province of Quebec in a suit in which the service of process on the defendant or party sued has been personal, no defence that might have been set up to the original suit shall be pleaded to that brought on the judgment or decree. R. S. O., 1887, c. 44, s. 81.

Suit upon judgment in Quebec, where the service was not personal.

123. In any suit brought in Ontario on a judgment or decree obtained in the Province of Quebec in a suit in which personal service was not obtained and in which no defence was made, any defence that might have been set up to the original suit may be made to the suit on the judgment or decree. R. S. O., 1887, c. 44, s. 82.

Service out of the Jurisdiction.

124. Service out of the jurisdiction of a writ of summons or notice of a writ of summons or other document by which a matter or proceeding is commenced may be allowed by the court or a judge where the action is not for any matter within any of the classes for which service out of the jurisdiction is now provided, but it appears to the satisfaction of the court or judge that the plaintiff has a good cause of action against the defendant upon a contract or judgment and that the defendant has assets in Ontario of the value of $200 at least, which may be rendered liable to the judgment in case the plaintiff should recover judgment in the action; and if the defendant does not appear the court or a judge is to give any directions which the court or judge from time to time sees fit as to the manner of proceeding in the action and the conditions on which the same may be proceeded with, and shall require the plaintiff before obtaining judgment to prove his claim and the amount of debt or damages claimed by him in the action, either before a judge or jury upon an assessment in the usual mode, or in such other mode, having regard to the nature of the case, as the court or judge may direct. R. S. O., c. 50, s. 51, (1877).

Service on Examinations of Parties.

Service of appointment for examination. Tender of conduct money.

125.—(1) In lieu of personal service of a subpœna on a party for his examination, service of an appointment upon his solicitors will be sufficient if made seven days before the day appointed for the examination; and the conduct money may be paid or tendered to the solicitor.

(2) In every such case the solicitor shall forthwith communicate the appointment to the party so required to attend, and shall not apply the money to any debt due to the solicitor or any other person, nor pay the same otherwise than to such party for his conduct money, nor shall the same be liable to be attached.

(3) Notwithstanding anything in this section hereinbefore contained, the party to be examined may be served personally with a subpœna as heretofore, in case the party desiring the examination so chooses.

Solicitors' Agents.

Agents in county towns of solicitors residing elsewhere in county.

126. In case a solicitor resides in some part of a county other than the county town, and has not an office in the county town, he may enter in the solicitors' and agents' book kept by the deputy registrar, deputy clerks of the Crown or local registrar the name of an agent, being a solicitor of the supreme court and having an office in the county town upon whom may be served all writs,

pleadings, notices, orders, warrants and other documents, and written communications in relation to proceedings conducted in the office of the local master, deputy clerk, deputy registrar or local registrar of the county.

Witness Fees.

Fees of professional persons giving evidence and certain officers producing documents.

127. Where upon the trial of any action or proceeding any person is subpœnaed as a witness, and gives evidence, who is entitled under any statute or rule of court or other provision having the force of law in this province, to receive an increased witness fee for evidence given by him in his professional capacity, or as an expert, no greater fee shall be allowed to such witness on any taxation of costs than those payable to witnesses in other cases, unless the judge or other officer before whom such action or other proceeding was tried shall certify that the evidence given by such witness was of an expert or professional character or was produced on account of the skill or professional knowledge possessed by such witness; and no public official or other witness subpœnaed or called upon to produce before any court or other tribunal any public or other document shall be entitled to more than ordinary witness fees, anything in the rules of court or tariffs prescribed thereunder to the contrary notwithstanding. 57 V. c. 25, s. 1.

Payment out of Court.

128 In case of an order being made by any authority other than that of a judge of the high court for payment of money out of court, the accountant before acting thereon shall apply to a judge of the high court for his approval, which he may manifest by signing his initials to the order with or without any other words, and before approving the high court judge, if he sees occasion, may call for any of the papers in the cause, or if necessary require the solicitor who obtained the order, or his agent, to attend before such judge to give any explanation or information the judge may think necessary.

Medical Examinations in Actions for Bodily Injury.

Medical examination where damages claimed for bodily injury.

129. In any action brought to recover damages or other compensation for or in respect of bodily injury sustained by any person, a judge of the court wherein the action is pending, or any person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury, damages or compensation is sought shall submit to be examined by a duly qualified medical practitioner who is not a witness on either side, and may make such order respecting such examination and the costs thereof as he may think fit; provided always that the medical practitioner named in

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any such order shall be selected by the judge making the order, and provided moreover, that such medical practitioner may afterwards be a witness on the trial of any such action unless the judge before whom the action is tried shall otherwise direct. 54 V. c. 11, s. 1.

Fees on References.

Compulsory references.

130. In case of a reference by the judge at the trial of any action to a county judge, or to the registrar or deputy registrar, deputy clerk of the crown, local master or other officer of the court, paid wholly or partly by salary, of any matter which it would be competent for such judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the court of chancery before *The Ontario Judicature Act, 1881.*

Stenographers' Charges.

131.—(1) To provide a fund to enable a reduction to be made to litigants for copies of evidence taken in shorthand at trials or references, a fee of $1 shall be paid in every civil case entered for trial to the officer of the court who enters the same, and the latter shall keep a list of such causes duly entered in a book to be kept for the purpose, and shall within 48 hours after the closing of the sittings of the court make a return to the officer to be appointed for that purpose by the Lieutenant-Governor in Council of the actions so entered for trial, and of the money so paid thereon, and shall certify that the sum therewith returned is the full amount so paid to him on account of the cases entered at such sittings. The said last named officer shall keep an account thereof in a book to be kept for the purpose under the head of Shorthand Reporter's Fund, and the same shall be paid out and applied in connection with such reporting in such manner as the Lieutenant-Governor in Council may from time to time by order provide.

(2) The Lieutenant-Governor in Council may make rules and regulations fixing the fees and charges of and payments to special examiners and stenographers and others entitled to take examinations for taking examinations for discovery or cross-examinations in the high court and county court, and for copies of such examinations or cross-examinations.

RULES OF COURT.

Judges of supreme court may make rules.

132.—(1) The supreme court may at any time, with the concurrence of a majority of the judges thereof present at any meeting held for that purpose, alter and annul any rules of court for the time being in force, and may make any further or additional rules of court for carrying this Act into effect,

and in particular for all or any of the following matters that is to say:

(*a*) For regulating the sittings of the high court of justice and the court of appeal, and of any divisional or other courts thereof respectively, and of the judges of the said high court sitting in chambers;

(*b*) For regulating the pleading, practice, and procedure in the high court of justice and court of appeal;

(*c*) For the hearing of appeals from county courts, or a judge of a county court, from provisional judicial district courts or a judge of such court from surrogate courts, stipendiary magistrates, or division courts, by any two or more of the judges of the supreme court, and for regulating the selection of the judges of the supreme court, who shall hear such appeals, and for regulating all matters relating to the practice of such appeals;

To empower master in chambers, etc., to make orders.

(*d*) For empowering the master in chambers, or any referee sitting for him, or the judges of the county courts, other than the judge of the county of York, or the local masters in respect of actions brought in their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as by virtue of any statute or custom, or by the rules of practice of the high court, are now or may be hereafter done, transacted or exercised by a judge of the high court sitting at chambers, and as shall be specified in any such rule, except in respect of matters relating to—

1. The liberty of the subject;
2. Appeals and applications in the nature of appeals;
3. Proceedings under *The Act respecting Lunatics*; Rev. Stat., c. 54.
4. Applications for advice under the *Trustee Acts*; Rev. Stat., c. 110.
5. Matters affecting the custody of children; and
6. Proceedings under section *33* of this Act

(*e*) Generally, for regulating any matters relating to the practice and procedure of the said courts respectively, or to the duties of the officers thereof, or of the said supreme court, or to the costs of proceedings therein; and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors, and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting the said courts.

(*f*) Subject to the approval of the Lieutenant-Governor in Council, to make rules from time to time regulating all fees payable in stamps.

(2) Where any provisions in respect of the practice or procedure of any courts, the jurisdiction of which is vested by this Act in the high court, are contained in any statute, rules of court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the high court, unless, in the case of any Act hereafter passed, this power shall be expressly excluded.

(3) Any provisions relating to the payment, transfer or deposit into, or in, or out of any court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

(4) All rules of court made in pursuance of this section shall from and after they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this section. R. S. O., 1887, c. 44, s. 105.

Judges of court of appeal may make rules.

133. Subject to any rules of court which may be made under the provisions of the preceding section, the judges of the court of appeal, or a majority of them, may from time to time make such general rules and orders for fixing the costs to be allowed in respect of proceedings in the said court, and for regulating the different proceedings in appeal, and generally for the effectual execution of this Act and the intention and object thereof in regard to the practice in appeals as to them may seem expedient; and may also from time to time alter and amend any of the existing rules or any rules made under the authority of this Act, and make other rules instead thereof; and until such rules are made, the present rules and the existing practice and mode of proceeding in the court shall continue in force. R. S. O., 1887, c. 44, s. 106.

Judges of high court may make rules.

134. The judges of the high court or any four of them, of whom two of the presidents of the divisions of the high court shall be two, shall, as regards matters in the high court, have power to made general rules from time to time for the regulation of the practice of the high court. R. S. O., 1887, c. 44, s. 107.

Lieut-Governor in Council may authorize certain judges to make rules.

135. The Lieutenant-Governor in Council may from time to time authorize the following persons, viz.: the chief justice of Ontario, the chief justice of the Queen's bench, the chancellor, the chief justice of the common pleas, and any one or more of the other justices of the supreme court, to make rules of court under this Act; every such appointment to continue for such time as shall be specified by order in council, and the judges so appointed, or any three of them, may

make such rules, and the same shall have the same effect as if made by all the judges of the supreme court, under section 105. R. S. O., 1887, c. 44, s. 108.

Authority to make rules of court for district courts.

136. The judges of the supreme court and of the high court, respectively, shall have the same authority to make rules of court with respect to district courts as they have with respect to the high court and to county courts, and the judges authorized as mentioned in section *135* of this Act shall, with respect to district courts, have the like authority. 52 V. c. 10, s. 12.

Council of judges to consider procedure and administration of justice.

137. A council of the judges of the said supreme court, of which due notice shall be given to all the said judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lieutenant-Governor, for the purpose of considering the operation of this Act and of the rules of court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the high court of justice or the court of appeal, or any other court, or by any other authority; and they shall report annually to the Lieutenant-Governor what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provision (if any) which cannot be carried into effect without legislative authority it would be expedient to make for the better administration of justice; an extraordinary council of the said judges may also at any time be convened by the Lieutenant-Governor. R. S. O., 1887, c. 44, s. 109.

Provision for saving of existing procedure where not inconsistent with this Act or rules of court.

138. Save as by this Act or by any rules of court may be otherwise provided, all forms and methods (as nearly as may be) of procedure which, prior to the 22nd day of August, 1881, were in force in any of the courts whose jurisdiction then became vested in the said high court, under and by virtue of any law, general order, or rule whatsoever, and which are not inconsistent with this Act or with any rules of court—may continue to be used and practised in the said high court of justice, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable prior to the said date in the respective courts of which the jurisdiction became so vested. R. S. O., 1887, c. 44, s. 110.

OFFICERS AND OFFICES.

Registrar may be appointed for the court of appeal.

139.—(1) The Lieutenant-Governor in Council may from time to time appoint a suitable person to be the registrar of the court of appeal.

(2) The said registrar shall not take for his own use or benefit, directly or indirectly, any fee or emolument save the salary to which he is entitled by law; and all fees received by him on account of the said office shall form part of the consolidated revenue fund, and shall be payable in stamps, subject to *The Act respecting Law Stamps* R. S. O., 1887, c. 44, s. 111. Fees of registrar to form part of con. rev. fund. Rev. Stat. c. 22.

140.—(1) The Lieutenant-Governor may from time to time appoint a master in ordinary, a master in chambers, an accountant of the supreme court and two or more taxing officers Appointment of masters, etc.

(2) Subject to orders of the Lieutenant-Governor in Council, the said officers and the local masters shall be officers of the supreme court and attached thereto. R. S. O., 1887, c. 44 s. 112.

141. The Lieutenant-Governor may from time to time appoint one clerk of the process for the high court, one registrar for each of the divisions of the high court; and one clerk of records and writs and one assistant registrar, to be attached to the chancery division; and also such other clerks and officers as the business of the court may, from time to time, require; and such officers and clerks shall, in addition to any of the duties usually performed by the like officers and clerks, perform such duties as may by rules of the supreme court or the high court be provided, or as the division of the high court to which such officers are attached, may from time to time direct. R. S. O., 1887, c. 44, s. 113. Appointment of clerk of process, etc. Duties.

142.—(1) Subject to orders of the Lieutenant-Governor in Council, all officers attached to the various divisions of the high court shall remain and continue to be attached to the division respectively to which they are now attached. Officers to remain attached to their several divisions.

(2) Where a doubt exists as to the position under this Act of any existing officer attached to any court or judge affected by this Act, such doubt may be determined by rule of court.

(3) The Lieutenant-Governor in Council shall have the power and (subject to any order in council) the judges of the said supreme court shall have power to change the official names of offices and officers, and to change and regulate the duties of the officers. R. S. O., 1887, c. 44, s. 114.

143. Subject to any order in council in that behalf, the business to be performed in the high court and in the court of appeal respectively, or in any divisional or other court thereof, or in the chambers of any judge thereof, other than that performed by the judges, shall be distributed among the several officers attached to the said courts by the preceding section in such manner as may be directed by rules of court; and such officers shall perform such duties in relation to such Distribution of business among officers.

business as may be directed by rules of court; and, subject to such order in council and rules of court, all such officers respectively shall continue to perform the same duties, as nearly as may be, and in the same manner as if this Act had not passed. R. S. O., 1887, c. 44, s. 115.

144. Orders made by the master in chambers, or other officer mentioned in sub-section (*d*) of section *132*, shall be as valid and binding on all parties concerned as if made or given by a judge in chambers. R. S. O., 1887, c. 44, s. 116.

Oath of officers.

145.—(1) Every officer of the court hereafter appointed before he enters upon his duties shall take and subscribe the following oath:—

"I, *A. B.* of ———, do hereby solemnly swear that I will, according to the best of my skill, learning, ability and judgment, well and faithfully execute and fulfil the duties of the office (*as the case may be*) without favor or affection, prejudice or partiality, to any person or persons whomsoever. So help me God."

(2) When not convenient to a person appointed to any office to attend at Toronto to take the oath of office, the oath may be taken before the judge of the county court of the county in which the officer resides, or before a commissioner authorized to administer affidavits in such county, and the oath shall be certified by the judge or commissioner and filed amongst the records of the court at Toronto. In all other cases the oath shall be administered to the officer by the judge in open court. R. S. O., 1887, c. 44, s. 117.

Officers to give security.

146. The clerk of the process, the registrars of the Queen's bench and common pleas divisions, and the deputy clerks of the crown and pleas, shall within one month next after their appointment, give security to Her Majesty, in such sum, and with so many sureties, and in such form as the Lieutenant-Governor in Council directs, conditioned respectively, for the due performance of the duties of their office. R. S. O., 1887, c. 44, s. 118.

Consequences of neglecting to do so.

147. The neglect by any such registrar or deputy clerk to give such security shall render his appointment void; but the forfeiture of office shall not affect any act done by him during the time he actually continues to hold his appointment. R. S. O., 1887, c. 44, s. 119.

Who to approve of the sureties.

148. The Lieutenant-Governor shall in his discretion approve of the security and sureties so given by each registrar, and the judge of the county court having first certified his approval in writing, of the security and sureties given by the deputy clerk of the crown for his county, the Lieutenant-Governor shall in his discretion approve of the security and sureties so given by such deputy clerk; and such securities, when

executed and approved, shall be duly recorded in the manner provided by *The Act respecting Public Officers*, and shall then be deposited in the office of the provincial treasurer. R. S. O., 1887, c. 44, s. 120. To be recorded and deposited as provided by Rev. Stat. c. 15.

149. The registrars and the clerk of the process respectively shall keep their offices in Osgoode Hall, in the city of Toronto. R. S. O., 1887, c. 44, s. 121. Offices to be at Osgoode Hall.

150. The clerk of the process shall keep the officers whose duty it is to issue writs and process, supplied with blank writs and process of all descriptions, to be filled up and issued by them; and he shall have a reasonable allowance for printing, procuring and transmitting blank forms of writs and process, and for necessary books and stationery. R. S. O., 1887, c. 44, s. 122. To supply officers with blank writs.

151. The clerk of the process shall make to the treasurer of the province quarterly returns, verified by his affidavit, of all writs and process issued by him in actions brought at Toronto, or supplied by him to the registrars and deputy clerks of the crown to be issued by them. R. S. O., 1887, c. 44, s. 123. The clerk of process to make quarterly returns.

152.—(1) Subject as aforesaid, the judges of the county courts, the master in ordinary, the master in chambers, the registrars of the several divisions of the high court and the local masters shall be official referees for the trial of such questions as shall be directed to be tried by such referees. Official referees.

(2) In case the business is found to require other or additional official referees, and the presidents of the said divisions so certify, the Lieutenant-Governor from time to time may appoint other and additional official referees accordingly.

(3) In the case of officers who are paid by salary, the fees, on any reference or trial shall be paid in stamps; other referees shall be paid by fees. R. S. O., 1887, c. 44, s. 124.

153.—(1) There shall be a local master in every county or union of counties other than the county of York, and every local master hereafter appointed shall reside in the county for which he is appointed. Local masters, deputy registrars, and deputy clerks of the crown.

(2) When a vacancy occurs in the office of local master, the judge of the county court for the county shall be the local master until and unless another person is appointed local master. In such case if there are two county judges, a senior and junior judge, both judges shall be local masters until and unless one of them or some other person is appointed sole local master. R. S. O., 1887, c. 44, s. 125 (1) (2). Local masters.

(3) Except in the county of York, the several clerks of the county courts shall be *ex officio* deputy clerks of the crown Deputy clerks of the crown.

and pleas of the high court for their county, unless the offices of deputy-clerk of the crown and deputy-registrar become and are consolidated under sub-section 5. R. S. O., 1887, c. 44, s. 125 (3); 56 V. c. 11, s. 2.

Deputy registrars.

(4) Where a county court judge is the local master, the county court clerk shall be the deputy registrar.

Local registrars.

(5) The offices of deputy clerk of the crown and deputy registrar (not local master) shall be consolidated as vacancies occur in either; unless where the presidents of the divisions of the high court or a majority recommend otherwise; when the said offices are held by the same person, he shall be styled local registrar of the high court.

Fees of deputy clerks of the crown.

(6) Except as provided in section 130 of this Act, where a reference is made to a deputy clerk of the crown, or an examination is taken by him, he shall be entitled to take and receive to his own use the fees on such reference or examination. R. S. O., 1887, c. 44, s. 125 (6).

Commutation of fees of local masters.

(7) The Lieutenant-Governor in Council may commute the fees of a local master, or of a local master and deputy registrar, including his fees as an official referee, for a fixed annual sum, such sum not to exceed the average income derived from fees for the preceding five years.

Commutation of fees of deputy clerks of the crown.

(8) The Lieutenant-Governor in council may commute the fees payable to a deputy clerk of the crown on references and examinations and other matters for a fixed annual sum, such sum not to exceed the average income derived from such fees during the preceding five years.

Amount of commutation may be changed.

(9) Any annual sum fixed as provided in the preceding two sub-sections shall continue until varied by order in council, but any order for payment of any such annual sum as aforesaid may be rescinded, and the amount may by order in council be increased or diminished, provided that in no case shall any order in council name a sum exceeding the average income or fees aforesaid (as the case may be) during the preceding five years.

Appointments of officers.

(10) The local masters, local registrars, and deputy clerks of the crown, deputy registrars and other officers mentioned in this Act shall be appointed by the Lieutenant-Governor, and every such officer heretofore appointed shall hold office during the pleasure of the Lieutenant-Governor.

Fees of salaried officers to form part of the consolidated revenue.

(11) Where a local master, or deputy-registrar, or deputy clerk of the crown, or other officer, is paid by a salary, he shall not, save as hereinbefore expressly provided, take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled; but the like sums and fees heretofore payable on proceedings in his office shall continue to be payable; and all such fees shall form part of the consolidated revenue fund of this province, and shall be payable in stamps, subject to the provisions of *The Act respecting*

Rev. Stat., c. 22.

Law Stamps. *See* 55 V. c. 17, ss. 4 and 5 as amended by 57 V. c. 9, s. 1 *as to fees of Local Registrars.*

Local masters, not to practise in certain cases.

(12) No local master whose gross income from his office of local master or of deputy registrar and local master, is $2,000 or upwards shall, during the continuance of his appointment, directly or indirectly, practise in the profession of the law as counsel, or solicitor, or as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any papers or documents to be used in any court of this province, under the penalty of forfeiture of office and the further penalty of $400, to be recovered by any person who sues for the same by action in the high court, and one-half of such pecuniary penalty shall belong to the party suing, and the other half to Her Majesty for the use of the province; but nothing in this section shall prevent the Lieutenant-Governor in Council, or the high court, from requiring a local master whose income does not amount to $2,000, to abstain from practising under the like penalties.

High court may except officers from sub ss. 1 and 12.

(13) The high court may, with the concurrence of the Lieutenant-Governor, relieve any person now holding the office of local master and deputy registrar, or any other officer from the operation of the preceding sub-sections 1 and 12, or either of them. R. S. O., 1887, c. 44, s. 125, (4) to (13).

Returns of fees.

(14) Every officer paid by fees, whether commuted or not, shall on or before the 15th day of January in every year, transmit to the inspector of legal offices appointed under section *169* of this Act, a just, true and faithful account, verified upon oath, of the amount of fees paid or payable to him in cash or in stamps, in respect of his office during the preceding year, and also such particulars with reference to the business of his office as the inspector of legal offices may require. 52 V. c. 10, s. 4.

Form of returns.

(15) The Lieutenant-Governor or the member of the Government having charge of the matter may require the return to state any particulars, or to be made in any form that may be thought proper, and such return shall be made accordingly. R. S. O., 1887, c. 44, s. 125 (15).

Seals of deputy registrars and deputy clerks of the crown.

154. In the office of every deputy registrar and deputy clerk of the crown such seal shall be used as the Lieutenant-Governor shall from time to time direct, which seal shall be impressed on every writ and other document issued out of or filed in such office; and all such writs and documents, and all exemplifications and copies thereof, purporting to be sealed with the seal of any such deputy registrar or deputy clerk of the crown, shall in all parts of this province be received in evidence without further proof thereof. R. S. O., 1887, c. 44, s. 126.

Marshal and clerk of assize for county of York.

155. The Lieutenant-Governor in Council may from time to time appoint a suitable person to be the marshal and clerk of assize for the county of York, who shall hold office during pleasure. R. S. O., 1887, c. 44, s. 127.

Remuneration of deputy clerks of the crown when they act as marshals.

156. Every marshal and clerk of assize, being a deputy clerk of the crown or local registrar, or authorized to act as such shall be entitled to be paid out of the consolidated revenue fund the sum of $4 for each day's attendance as such marshal or clerk of assize. R. S. O., 1887, c. 44, s. 128.

Not to receive fees in criminal cases.

157. No charge whatever shall be made by any of the said marshals or clerks of assize upon any criminal trial or proceeding in any court at which they act as marshals and clerks of assize respectively. R. S. O., 1887, c. 44, s. 129.

Where deputy clerk's office to be kept.

158.—(1) Each deputy clerk of the crown and pleas shall, if proper accommodation is afforded him, keep his office in the court house of his county, and until he can obtain such accommodation he shall keep his office in some convenient place in the county town.

(2) Provided, however, that the deputy clerk of the crown and pleas at Sandwich, may keep an office in some convenient place in the town of Windsor, in the county of Essex, subject to such arrangements as the county council of the county of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council. R.S.O.,1887, c.144, s. 130.

Official guardian *ad litem*.

159.—(1) There shall be an official guardian *ad litem* of infants, who shall be appointed by the Lieutenant-Governor, and shall be a barrister-at-law and solicitor of this province, of not less than seven years' standing, and shall hold office during pleasure.

Duties of guardian.

(2) The official guardian, besides acting as a guardian *ad litem* of infants under rules of court and other orders, shall perform such other duties as a divisional court or judge may from time to time direct.

Costs of guardian.

(3) The same costs as hitherto shall be paid to the guardian by any party ; and the same costs as hitherto shall be payable to the guardian out of funds in court ; but all costs so paid to the guardian by any party shall be by such guardian paid forthwith into court with the privity of the accountant of the supreme court, and shall be placed to the credit of an account to be intituled " Account of Official Guardian *ad litem* ;" and all costs payable to the guardian out of any funds in court, shall be transferred to the credit of the same account.

Costs where estate is small.

(4) Where the estate is small, and, in view of the amount at the credit of the said account, the amount or part of the amount payable out of the estate for the guardian's costs does not appear to be required to pay the salary and disbursements of the official guardian, the court may withhold payment out of such estate of the sum or any part of the sum due for the guardian's costs in respect of such estate ; and may distribute the estate as if such costs were not payable by or out of the same.

(5) There should be paid to the said guardian in respect of all business done a fixed salary of such sum per annum as, in view of the amount of business done or to be done by the guardian, and the sum at the credit of the account, the said judges think reasonable and the Lieutenant-Governor in Council approve ; which salary shall be over and above all necessary disbursements ; and the salary and disbursements shall be paid monthly or otherwise as shall be determined by rule of court, out of the fund at the credit of the said account of official guardian *ad litem*, and not otherwise. Salary of guardian.

(6) The surplus appearing from time to time at the credit of the said account beyond what may be required to pay the charges on the said account, shall be transferred to the "Suitors' Fee Fund Account." Transfer of surplus of guardian's account.

(7) Where the official guardian has occasion to employ a solicitor in another county for the purpose of any proceeding in an action, such solicitor shall be entitled to receive from the official guardian in respect of the proceeding the same costs as if the solicitor so employed were solicitor and guardian of the infant. Costs of solicitor employed by official guardian.

(8) The official guardian *ad litem* shall once every six months file in the accountant's office an affidavit, showing all costs recovered by him as official guardian *ad litem*, during the six months preceding the making of the affidavit, giving therein the several amounts received by him, and the name or names of the actions and matters in which the same were respectively received by him, together with the date of receipt. Return of costs.

(9) When a new official guardian *ad litem* is appointed, he shall *ipso facto* become, and be by virtue of such appointment, guardian *ad litem* to all infants, in the place and stead of his predecessor, with the same duties and powers ; and the latter (his executors and administrators, as the case may be) shall forthwith deliver over to the new official guardian all letters, papers, documents and books in his possession or power as official or other guardian *ad litem* of infants; and the new guardian shall forthwith communicate his appointment to whom it may concern. Transfer on appointment of new guardian.

(10) The Lieutenant-Governor in Council, or the high court may order that the official guardian is not to practise as a barrister or solicitor, and in such case he shall not, during the continuance of his appointment and of such order, directly or indirectly practise the profession of the law as council or solicitor, or as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any papers or documents to be used in any court of this province, except in the discharge of his duties as official guardian, or of any other duties which may be assigned to him by the said high court or any division or judge thereof as the case may be; and the said official guardian in case of his offending in the matter afore- Guardian not to practice if Lieutenant-Governor in Council or court so orders.

said shall be subject to a penalty of forfeiture of office, and the further penalty of $400 to be recovered by any person who sues for the same by action in the high court; and one-half of such pecuniary penalty shall belong to the party suing, and the other half to Her Majesty for the use of the province. R. S. O., 1887, c. 44, s. 131.

Return of official guardian's accounts.

160. The accountant shall yearly and on or before the 15th day of January in every year, transmit to the Lieutenant-Governor in Council, a just, true and faithful statement, showing the state of the "Account of Official Guardian *ad litem*," upon the 31st day of the preceding December. R. S. O., 1887, c. 44, s. 132.

Accountant of supreme court.

161.—(1) Subject to any rules of court which may be made under the provisions of sections *132* to *135* of this Act, the present accountant and his successors appointed under section *140* of this Act, shall be the accountant of the supreme court of judicature for Ontario and shall be so designated.

(2) For the purposes of holding the mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and of all moneys and effects mentioned and described in section *162* of this Act, or in any rule or order of court, the said accountant shall be a corporation sole by the name of "The Accountant of the Supreme Court of Judicature for Ontario," and the said accountant as such corporation sole shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this province. R. S. O., 1887, c. 44, s. 133.

Securities vested in accountant.

162. All mortgages, stocks, funds, annuities and securities whatsoever, at the time of the commencement of *The Ontario Judicature Act 1881*, standing in the name of the accountant of the court of chancery, or of the referee in chambers, or any other officer named by the court for the purpose under the authority of the 31st section of the Chancery Act, or in his custody or power as such accountant, referee in chambers or other officer aforesaid, together with all the interest and estate of the said accountant, referee in chambers or other officer, in the lands and premises embraced in such mortgages or other securities, and by the said *The Ontario Judicature Act 1881*, vested in the accountant of the high court for the time being, as such accountant, and all other mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and all moneys and effects, bonds and guarantees, on the 30th day of March, 1885, vested in and held by the accountant of the high court in his own name, or in his name of office, as such accountant, subject to the same trusts as they may then respectively have been subject to, are hereby declared to be and to have been from and

after the 30th day of March, 1885, vested in the said corporation sole under the name aforesaid. R. S. O., 1887, c. 44, s. 134.

Securities held by registrar of court of appeal to be transferred to accountant of supreme court

163. All mortgages, stocks, funds, securities, and all estate therein, and all moneys and effects prior to the 30th day of March, 1885, standing in the name of the registrar of the court of appeal as such registrar in any cause, matter, or proceeding then or at any time theretofore pending in the said court of appeal, are hereby declared to be and from and after the said day to have been transferred to and vested in the accountant of the supreme court of judicature for Ontario as such accountant, subject to the trusts which respectively attached thereto; and the said registrar and one of the judges of the said court of appeal are to execute all cheques or documents necessary to effect a formal transfer thereof, if any are required; and the registrar is forthwith to deliver to the said accountant all books of account and documents in his possession or control relating to the moneys and property hereby declared to be and to have been transferred to the said accountant. R. S. O., 1887, c. 44, s. 135.

When there is no accountant securities to be vested in officer appointed by court.

164. In case of there being at any time no accountant of the supreme court, all mortgages, stocks, funds, annuities and securities whatsoever theretofore standing in the name of any accountant, or in his custody or power in respect of his office, together with all the interest and estate of the said accountant in the lands and premises embraced in such mortgages or other securities, shall become and be, by force of this act, vested in such other officer as the supreme court, by general rule, may, from time to time, direct, subject to the same trusts as they may then respectively be subject to. R. S. O., 1887, c. 44, s. 136.

Money in court how to be disposed of.

165. All moneys that become subject to the control and distribution of the high court or court of appeal shall be paid in the name of the accountant of the supreme court, (or if there is no accountant in the name of such other officer as the court by general rule may from time to time direct) into the hands of such person or body corporate, or shall be invested in the name of the accountant (or, if there is no accountant, in the name of such other officer) in the public funds of the Dominion of Canada or of this province, or in such other securities as the court may from time to time direct. R. S. O. 1887, c. 44, s. 137.

Expenses of accountant's office.

166. The expenses of the accountant's office including all salaries shall be the first charge on the income arising from the funds in court. R. S. O., 1887, c. 44, s. 138.

Amounts to be paid to suitors' fee fund.

167. The surplus income arising from the funds in the high court after payment of the expenses of the accountant's office, and of such interest on the moneys of suitors as from

time to time by rules of court or otherwise is directed to be paid, shall be transferred to the "suitors' fee fund account." R. S. O., 1887, c 44, s. 139.

Suitors' fee fund.

168. "The suitors' fee fund account," shall continue to be kept and managed as may from time to time be directed by the court, and any divisional court or any judge of the supreme court of judicature for Ontario may apply the same as may be necessary for the protection of infants and other persons not *sui juris* or *non compotes mentis*, on whose behalf proceedings may be had in the court, or may, by the court, be ordered to be had in other courts, and may also, from time to time, order to be paid, out of the money at the credit of the said account, any sum required to make good a default arising in respect of suitors' money or securities from any mistake, act, or omission of any official of the court. Such payment is to be without prejudice to any personal liability of the official or his sureties in respect of the mistake, act or omission. R. S. O., 1887, c. 44, s. 140.

Certain losses may be charged on suitors' fee fund.

Inspector of sheriffs and other officers.

169. The Lieutenant-Governor may from time to time appoint one of the officers of the high court, or some other competent person, to inspect the offices of the sheriffs, local masters, deputy registrars, deputy clerks of the crown, local registrars of the high court, registrars of surrogate court, clerks of the peace, and county crown attorneys, and clerks of the county court, in the respective counties of the province, and such other officers connected with the administration of justice as the Lieutenant-Governor in Council may from time to time direct. R. S. O., 1887, c. 44, s. 141.

Duties of inspector.

170. The duty of the inspector shall be:—

1. To make a personal inspection of the said offices and of the books and court papers belonging thereto respectively;

2. To see that proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved;

3. To ascertain that the duties of the officers are duly and efficiently performed;

4. To see that proper costs and charges only are allowed or exacted;

5. To ascertain that proper security has been given by any officer required by law to give security;

6. To ascertain whether uniformity of practice prevails in the several offices of the high court and in the county and surrogate courts;

7. To report upon all such matters, as expeditiously as may be, to the Lieutenant-Governor. R. S. O., 1887, c. 44, s. 142.

171. When the said inspector has occasion to institute an inquiry into the conduct of any officer in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such officer, or any other person or persons, to give evidence on oath; and for this purpose the said inspector shall have the same power to summon such officers and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and give evidence, as any court has in civil cases. R. S. O., 1887, c. 44, s. 143. Inquiries by inspector.

172. The said several officers shall, as often as required by the said inspector, produce for examination and inspection all books and documents which are required to be kept by them, or which may hereafter be required to be kept by them; and shall report to the inspector all such matters relating to any cause or proceeding as the inspector shall require. R. S. O., 1887, c 44, s. 144. Books, etc., to be produced for inspection.

173.—(1) Where the inspector of legal offices, appointed under section *169* of this Act, or any other officer inspecting legal offices under the authority of an order of the Lieutenant-Governor in Council, finds any paper or proceeding which should have had affixed to it law stamps, to be unstamped, or to be insufficiently stamped, he may require the officer to whom belonged the duty of seeing that such paper was properly stamped, to affix to every such paper or proceeding a stamp or stamps of a sufficient amount to make up the deficiency. Affixing stamps to papers unstamped or insufficiently stamped.

(2) The inspector or other officer directing stamps to be affixed as aforesaid shall cancel the stamps so affixed in such manner as shall be directed by the Lieutenant-Governor in Council, and the affixing of such stamps by direction of the inspector, shall have the same effect as if the paper or proceeding had been duly stamped in the first instance. R. S. O., 1887, c. 44, s. 145.

174.—(1) The stenographic writers heretofore appointed or who shall hereafter be appointed by the Lieutenant-Governor to report trials at sittings of the high court, or of a county court, shall be officers of the court to which they are appointed, and shall hold office during the pleasure of the Lieutenant-Governor, and shall perform such other duties as may be assigned to them by rule of court, or order of the Lieutenant-Governor in Council. Stenographic writers.

(2) Every such reporter shall take the following oath before one of the judges of the court to which he is appointed, and the same shall be filed: Reporter's oath.

I (*A. B.*) do solemnly and sincerely promise and swear that I will faithfully report the evidence and proceedings at the trial in each case in which it may be my duty to act as shorthand reporter. So help me God. R. S. O., 1887, c. 44, s. 146.

Appointment of special examiners.

175. The supreme court may, from time to time, under the seal of the court, appoint and at discretion remove special examiners for the purpose of taking evidence of parties and witnesses, and the examiners so appointed shall have all the powers formerly possessed by masters extraordinary and examiners. R. S. O., 1887, c. 44, s. 147.

Administration of oaths.

176. Any officer of the supreme court or the high court shall, for the purposes of any proceedings directed by the court to be taken before him, have full power to administer oaths, to take affidavits, to receive affirmations, and to examine parties and witnesses as the court may direct. R. S. O., 1887, c. 44, s. 148.

Sheriffs, gaolers, etc., to be officers of the court.

177. Sheriffs, deputy sheriffs, gaolers, constables and other peace officers, shall aid, assist and obey the court and the judges thereof respectively in the exercise of the jurisdiction conferred by this Act, and otherwise, whenever by any general or other order of the court or of a judge thereof, required so to do. R. S. O., 1887, c. 44, s. 149.

Gaols to be prisons of the court.

178. All gaols in Ontario shall be prisons of the high court R. S. O., 1887, c. 44, s. 150.

Salaries, etc.

179.—(1) There shall be paid out of the consolidated revenue fund of this province such sums as the Legislature may from time to time appropriate for such purpose as and for the salaries of officers of the said courts, who are not paid by fees or otherwise.

(2) The salaries of all officers of the court which are payable out of the consolidated revenue fund shall be paid monthly, but the payment to be made in each case on the first day of payment which happens after the right thereto accrues, shall be a ratable proportion of a month's salary, according to the time then elapsed since the accrual of the right; and in case of a vacancy, the person who vacates the office, his executors or administrators, shall be entitled to a proportional part of his salary according to the time elapsed between the vacancy and the last payment. R. S. O., 1887, c. 44, s. 151.

No fees allowed.

180.—(1) Unless specially authorized, neither the master in ordinary, the registrars, nor any of their deputies, nor the process clerk, nor the clerk in chambers, nor the accountant, nor any clerk appointed as aforesaid, shall take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled by law; but the like sums and fees heretofore payable on proceedings in the offices of the said officers shall continue to be payable; and all such fees shall form part of the consolidated revenue fund of the province, and shall be payable in stamps, subject to the provisions of *The Act respecting Law Stamps*.

How fees to be payable.

Rev. Stat. c. 22.

(2) The local masters and deputy registrars not paid by salary and the commissioners may retain to their own use all the fees of office which they respectively receive not payable to the crown or belonging to any fee fund, and need not account to the crown for any portion of such fees. R. S. O., 1887, c. 44, s. 152. Local officers may take fees.

181.—(1) The Lieutenant-Governor in Council may appoint that sums not in any case exceeding $600 nor less than $100 yearly shall be paid out of moneys to be hereinafter voted by the Legislature for the purpose, as and for the salaries of the deputy clerks of the crown respectively. Salaries of deputy clerks of the crown.

(2) The preceding provision fixing the maximum at $600 shall not apply to any case where the deputy clerk does not hold the office of registrar of the surrogate court. R. S. O., 1887, c. 44, s. 153.

182. The fees payable on all writs and process issued by the clerk of the process shall form part of the consolidated revenue fund of the province, and shall be payable in stamps subject to the provisions of *The Act respecting Law Stamps*. R. S. O., 1887, c. 44, s. 154. Fees on writs and process. Rev. Stat. c. 22.

183. In addition to all fees, otherwise authorized to be levied on proceedings in the high court, the following fees shall form part of the consolidated revenue fund of the province, and shall be payable to the crown in stamps, subject to the provisions of *The Act respecting Law Stamps*. Fees. Rev. Stat. c. 22.

	$ c.
On every writ of summons, capias or subpœna, and on every other writ or other document of what nature or description soever, having the seal of the court affixed thereto	0 50
On every judgment entered	0 60
On every certificate of action instituted, judgment or decretal order made	0 50
On setting down on the paper for argument of every demurrer, special case, points reserved, special verdict or appeal case	0 30
On entering every action for trial or assessment	2 00
On every rule or order of court issued	0 20
On taxation of every bill of costs	0 20

R. S. O., 1887, c. 44, s. 155.

184. In addition to all fees otherwise authorized to be levied on proceedings in cases brought to the court of appeal from the high court, the following fees shall be payable to the crown in stamps, subject to the provisions of *The Act respecting Law Stamps*: Fees. Rev. Stat. c. 22.

On every appeal entered	$4 00
On every judgment, decree, or order of the court passed and entered	2 00

R. S. O., 1887, c. 44, s. 156.

Local judges of high court.

185. Except in the county of York, the judges of the several county courts shall be judges of the high court for the purposes of their jurisdiction in actions in the high court; and in the exercise of such jurisdiction may be styled "local judges of the high court," and shall, in all causes and actions in the high court, have, subject to the rules of court, power and authority to do and perform all such acts, and transact all such business in respect to matters and causes in and before the high court as they are by statute or rules of court in that behalf from time to time empowered to do and perform. R. S. O., 1887, c. 44, s. 157. See 57 V., c. 20, s. 13 and *Rule* 41.

(2) A local judge of the high court may, in cases of emergency, grant an interlocutory injunction under sub-section *8* of section *53* of this Act in any action in the high court brought in his county on proof, to the satisfaction of the judge, that the delay required for an application to the high court is likely to involve a failure of justice; such injunction to remain in force for a period not exceeding eight days as such local judge may direct; unless continued by the high court, such injunction shall be by order to be signed, sealed and issued by the deputy registrar or deputy clerk of the crown of such county, upon the direction or fiat of such local judge, and such injunction shall have the same force and effect and may be continued, *varied*, dissolved and otherwise dealt with by the high court as if it had been originally granted by judgment or order of the high court. 52 V., c. 11, s. 1.

Powers of local judges as interlocutory injunctions.

(3) In any action in which a local judge of the high court has granted an interlocutory injunction under the next preceding sub-section, and in which all parties interested consent thereto, the local judge may hear, determine and dispose of any motion to continue, vary, dissolve or otherwise deal with the injunction, including such terms and conditions as to costs and other like matters as the local judge sees fit, and the judgment or order of or directed by the local judge shall be signed, sealed and issued by the said deputy registrar or deputy clerk of the crown, and shall have the same force an effect as a judgment or order of the high court.

Appeal to be to high court.

(4) Any person affected by any such decision, judgment or order of a local judge may appeal therefrom to *a divisional court of* the high court. The appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges *in chambers*. 56 V., c. 11, s. 1.

Powers of local judges as judges of the high court in certain cases.

(5) Every local judge of the high court shall, in actions brought and proceedings taken in his county, possess the like powers as a judge of the high court sitting in court, with re-

gard to hearing, determining and disposing of the following proceedings and matters, in case there are no infants who may have an adverse interest as respects such proceedings or matters; but in case there are such infants the consent of the official guardian shall be necessary and sufficient, viz.:—

(*a*) Motions for judgment and all other motions, matters and applications (not including trials of actions) where all parties agree that the same shall be heard before such local judge or where the solicitors for all parties reside in such county; but this shall not apply to applications for payment of money out of court or for dispensing with payment of money into court unless it appears that no infants are concerned or unless the official guardian is a consenting party on behalf of such infants.

(*b*) Motions for judgment in undefended actions.

(*c*) Motions to appoint receivers after judgment by way of equitable execution.

(*d*) Applications for leave to serve short notice of a motion to be made before a judge sitting in court.

And the judgment or order of or directed by the local judge in any of the proceedings and matters in this sub-section referred to shall be entered, signed, sealed and issued by the deputy registrar or deputy clerk of the crown of the county and shall be and have the same force and effect and be enforceable in the like manner as a judgment or order of the high court in other cases.

Provided that any person affected by any such decision, judgment or order of a local judge under paragraphs (*a*), (*b*) and (*c*) may appeal therefrom to a *divisional court* of the high court, and such appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges in chambers. 57 V. c. 20, ss. 11 and 13.

TRANSFERRING CAUSES FROM COUNTY OR DIVISION COURTS TO HIGH COURT.

Transfer to high court from county and division courts.

186. In cases before any county or division court where the defence or counterclaim of the defendant involves matter beyond the jurisdiction of the court, the high court or any division or judge thereof, may on the application of any party to the proceeding, order that the whole proceeding be transferred from such court to the high court, or to any division thereof; and in such case the record in such proceeding shall be transmitted by the clerk or other proper officer, of the county or division court to the said high court; and the same shall thenceforth be continued and prosecuted in the said high court as if it had been originally commenced therein. R. S. O., 1887, c. 44, s. 158.

Order in council as to allowances and salaries subject to ratification by Legislative Assembly.

187.—(1) Every order in council determining the commutation allowance or the salary of any judge, official guardian or other officer, under the authority of this Act, shall be laid before the House of Assembly forthwith, if the Legislature is in session at the date of the order, and if the Legislature is not then in session, the order shall be laid before the said House within the first seven days of the session next after the order in council is made.

(2) In case the Assembly at the said session, (or, if the session does not continue for three weeks after the said order is laid before the House, then at the ensuing session of the Legislature,) disprove by resolution of such order in council, either wholly, or so far as relates to any of the persons therein named, the order in council, so far as so disapproved of, shall have no effect from the time of such resolution being passed. R. S. O., 1887, c. 44, s. 159.

Saving as to circuits, etc.

188. This Act shall not affect the issue of any commissions of assize, nisi prius, oyer and terminer, gaol delivery, or other commission for the discharge of civil or criminal business on circuit or otherwise; or the authority of a judge or a retired judge of any of the superior courts, or a judge of a county court, or one of Her Majesty's counsel learned in the law, to preside without any commission at any court of assize, oyer and terminer, and general gaol delivery, or at a court held under this Act in the exercise of the jurisdiction now belonging to the courts of assize, oyer and terminer, and general gaol delivery, or the authority of any such judge or retired judge of a superior or county court, or counsel learned in the law, to hold any sitting for the hearing of causes; and any such judge or counsel shall after the commencement of this Act have the same authority to preside as aforesaid, or to hold any sitting of the high court for the hearing of causes in the high court respectively, which such judge or counsel now has to preside at courts of assize, oyer and terminer, and general gaol delivery, or to hold a sitting of the court of chancery for the hearing of causes; and any such judge or counsel when presiding as aforesaid with or without a commission, or when holding any sitting as aforesaid, shall be deemed to constitute a court. R. S. O., 1887, c. 44, s. 160.

All books in which writs, judgments, etc., are entered to be open to inspection.

189. Every person shall hereafter have access to and be entitled to inspect the several books of the high court and of the county courts, containing records or entries of the writs issued, judgments entered, and chattel mortgages and bills of sale filed; and no person desiring such access or inspection shall be required, as a condition to his right thereto, to furnish the names of the parties or the style of the causes or matters in respect of which such access or inspection is

sought; and the registrars and deputy-registrars of the high court and all clerks of the county courts of the province respectively, shall, upon demand or request, produce for inspection any writ of summons or copy thereof, and any judgment roll, or chattel mortgage, or bill of sale so issued, entered or filed in their respective offices, or of which records or entries are, by law, required to be kept in such several books of the high court and county courts respectively. R. S. O., 1887, c. 44, s. 161.

Fees.

190. The fees payable in respect of such inspection of books shall be twenty-five cents as for a general search, and ten cents for each writ of summons, judgment roll, chattel mortgage or bill of sale so inspected, and ten cents per folio shall also be payable for all extracts, whether made by the person who makes the search or by the officer. R. S. O., 1887, c. 44, s. 162.

This Act not to apply to criminal and other matters.

191. Nothing in this Act shall affect the practice or procedure in criminal matters, or matters connected with Dominion controverted elections, or proceedings on the Crown or revenue side of the Queen's bench or common pleas divisions. R. S. O., 1887, c. 44, s. 163.

192. The Acts and parts of Acts in the schedule hereto are hereby repealed to the extent mentioned in the said schedule

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SCHEDULE

Of Acts and parts of Acts repealed (see sec. 164.)

Act.	Extent of appeal.
Revised Statutes of Ontario, chapter 44..	The whole.
52 Vict. c. 10	Sections 3, 4 and 12.
52 Vict. c. 11	Section 1.
53 Vict. c. 14	The whole.
53 Vict. c. 15	The whole.
53 Vict. c. 20	Section 2.
54 Vict. c. 11	The whole.
54 Vict. c. 12	*The whole.*
54 Vict. c. 13	The whole.
56 Vict. c. 11	The whole.
57 Vict. c. 19	The whole.
57 Vict. c. 20	The whole except sections 9 and section 12, so far as the same relates to county courts.
57 Vict. c. 25	The whole.

No. 206.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to consolidate the Acts governing the Supreme Court of Judicature of Ontario.

First Reading, 5th April, 1895.
Second Reading, April, 1895.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 207.] **BILL.** [1895.

An Act to amend The Algonquin National Park Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section (2) of section 3 of *The Algonquin National Park Act* is amended by striking out the words "in which no lands have heretofore been granted," and by adding to such sub-section the following: "Where lands have been granted "in any such township or part of township the Lieutenant-"Governor in Council may impose such terms and conditions in "adding the same or any part thereof to the park as shall to "him seem fit and proper." 56 V. c. 8, s. 3, sub-s. 2, amended.

2. The following is added to section 10 of the said Act as sub-section 1 thereof :— 56 V. c. 8, s. 10, amended.

(1) The superintendent or any park ranger may seize, take possession of, and confiscate or destroy any nets, traps, spears, explosives, weapons or instruments which he may find within the park, whether the same are held or set out with intent to take or kill any animals or fish the taking or killing of which is forbidden by this Act, or otherwise, and may also seize and take possession of all fire-arms, furs, skins or peltries found within the park, and the burden of proving that such furs, skins or peltries have not been taken contrary to law shall be and rest upon the person claiming the same or in whose possession they may be found. The superintendent shall at once report any such seizure to the Commissioner of Crown Lands, who shall have power to direct the confiscation of the articles seized or any of them and to direct that they be sold and the proceeds of the sale applied in the manner provided in section 10 of the said Act. For the purpose of searching for nets, traps, spears, fire-arms, explosives, weapons, instruments, furs, skins or peltries, the superintendent or any ranger may enter into any house, dwelling, structure or camp within the park and may there search for the same without a search warrant, and shall have the same powers of seizure and confiscation as elsewhere within the park. Confiscating weapons, etc., unlawfully used.

Licenses to guides.

3. The superintendent of the said park may issue licenses to fit and proper persons to act as guides in conducting tourists and visitors into and through the park, and no person shall act as guide to or accompany any tourist or visitor or party of tourists or visitors without being in possession of such license. The annual fee to be paid for a license shall not exceed the sum of one dollar. The superintendent may cancel any such license upon proof of violation by the holder thereof of the Park Act or any of the regulations made thereunder.

No. 207.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Algonquin National Park Act.

First Reading, 5th April, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

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2. The following is added to section 10 of the said Act as sub section 1 thereof :— 56 V. c. 8, s. 10, amended.

(1) The superintendent or any park ranger may seize, take possession of, and confiscate or destroy any nets, traps, spears, explosives, weapons or instruments which he may find within the park, whether the same are held or set out with intent to take or kill any animals or fish the taking or killing of which is forbidden by this Act, or otherwise, and may also seize and take possession of all fire-arms, furs, skins or peltries found within the park, and the burden of proving that such furs, skins or peltries have not been taken contrary to law shall be and rest upon the person claiming the same or in whose possession they may be found. The superintendent shall at once report any such seizure to the Commissioner of Crown Lands, who shall have power to direct the confiscation of the articles seized or any of them and to direct that they be sold and the proceeds of the sale applied in the manner provided in section 10 of the said Act. For the purpose of searching for nets, traps, spears, fire-arms, explosives, weapons, instruments, furs, skins or peltries, the superintendent or any ranger may enter into any house, dwelling, structure or camp within the park and may there search for the same without a search warrant, and shall have the same powers of seizure and confiscation as elsewhere within the park. Confiscating weapons, etc., unlawfully used.

Licenses to guides.

3. The superintendent of the said park may issue licenses to fit and proper persons to act as guides in conducting tourists and visitors into and through the park, and no person shall act as guide to or accompany any tourist or visitor or party of tourists or visitors without being in possession of such license, ☞under a penalty not exceeding $20 for each offence, to be recovered as any other penalty may be recovered under the said *Algonquin National Park Act*, and in default of payment the offender may be committed to goal for a period not exceeding 30 days.☜ The annual fee to be paid for a license shall not exceed the sum of one dollar. The superintendent may cancel any such license upon proof of violation by the holder thereof of the Park Act or any of the regulations made thereunder.

☞**4.** This Act shall be read with and as part of the said *Algonquin National Park Act.*☜

No. 207.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Algonquin National Park Act.

First Reading, 5th April, 1895.
Second Reading, 6th April, 1895.

(Reprinted as amended in Committee of the Whole.)

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 208.] **BILL.** [1895.

An Act respecting Division Court Executions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of chapter 26, 57th Victoria, intituled *An Act respecting Writs of Execution*, is amended by inserting before the word "every" in the first line thereof, the words "excepting all writs of execution issued from, or that may hereafter be issued from, the division courts." 57 V., c. 26, s. 1 amended.

2. Section 3 of said Act is hereby repealed and the following substituted therefor: "On every writ of execution issued from a division court against lands, the sheriff shall be entitled to the same fees as upon writs of execution issued against lands and tenements from a county court." 57 V., c. 26, s. 3, repealed.

No. 208.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act respecting Division Court Executions.

First Reading, 5th April, 1895.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 209.] BILL. [1895.

An Act to amend The Railway Act of Ontario.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 20 of *The Railway Act of Ontario*, is hereby amended by adding thereto as sub-section 30 the following: Rev. Stat. c. 170, s. 20, sub-s. 30 amended.

(30) In case the council of a municipality shall by by-law declare that it is desirable and expedient that an elevator or manufacturing company, incorporated with power to construct a siding or switch from any railway to the premises of such company, should have powers of expropriation for the purpose of assisting such company, to secure, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the judge of the county court of the county, certifies that in his opinion the building of the proposed siding or switch across the lands as set forth in the by-law will be of considerable public advantage or convenience, the company, upon the registration by the council of the by-law and certificate in the proper registry office, shall, in respect of the said lands, possess the powers conferred upon railway companies under sections 11 to 20 inclusive of this Act. Expropriation with consent of municipality in certain cases.

No. 209.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Railway Act of Ontario.

First Reading, 5th April, 1895.

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 210.] **BILL.** [1895.

An Act to Amend The Ontario Architects' Act.

Preamble.

WHEREAS The Ontario Association of Architects was duly incorporated by the Act passed by the Legislature of the Province of Ontario, in the fiifty-third year of Her Majesty's reign, chapter forty-one ; and whereas, the said association have by their petition, represented that the said Act is ineffectual for the purposes intended, and that there is good reason to believe that if the title "Architect" were restricted to those who qualify for practice under the provisions thereof, the said Act would become fully operative and fulfil its intended purposes; and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

53 V. c. 41, s-s. 22, 23, 24, 25, repealed.

1. Sections twenty-two, twenty-three, twenty-four and twenty-five of the Act passed in the 53rd year of Her Majesty's reign, chaptered 41, are hereby repealed and the following sections substituted therefor :

Persons practising at time of passing of the Act.

2.—(1) Any person now practising the profession of architecture within this province may become a member of the association by causing his name to be registered with the registrar of the association within three months from the coming into force of this Act, and by paying to the registrar such fee as may be made payable in that behalf, subject to the proviso hereinafter contained.

(2) In case any such person as aforesaid, omits to be registered within said period of three months, through absence, illness or inadvertence, such person may, at the discretion of the council, be admitted to enrolment as an architect.

Qualification for registration.

3. Any person who applies for admission to registration as an architect after the coming into force of this Act, shall be not less than twenty-one years of age, and shall have served as a student not less than five years with a principal or principals entitled to register under this Act, or with any other principal or principals, whether resident and practising in

Canada or elsewhere, approved by the council and shall have passed such qualifying examinations as may be required by this Act.

Entering students on register.

4—(1) All students desirous ot entering the profession of architecture shall be presented by a member of the council, and shall cause their full names to be entered with the registrar, and shall pay such fees and submit to such examinations as shall be prescribed by the council; provided, that any person who, before the passing of this Act, was entered as a student for a shorter term than five years, but not less than three years, with a principal or principals qualified to be registered under this Act, or with any other principal or principals approved by the council shall, on serving the full term of his indenture and passing the examinations prescribed by the council, be entitled to register under this Act.

(2) Notice and evidence of existing studentship shall be given to the registrar within six months after the passing of this Act, and shall be accompanied with such fee as the council shall, by regulation, direct, and with properly executed articles of indenture for the said term.

(3) Any person who has graduated from the Ontario School of Practical Science shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school.

(4) Upon and after the passing of this Act, students shall serve such term as is required to be served by the provisions of this Act, under articles of apprenticeship to a registered architect, which articles and any assignment thereof, with affidavit of execution thereto attached, shall be filed with the registrar upon payment of such fee as the council may by regulation, direct, but no principal shall demand of, or receive from, any student, any premium or money consideration whatever as a condition of accepting such student as an apprentice.

Using word "architect" as title.

5. From and after the first day of July, 1895, no person shall be entitled to take or use the name or title of "architect," either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act, unless he be so registered. Any person who, after the above date, not being registered under this Act, takes or uses any such name, title or description as aforesaid, shall be liable, on summary conviction, to a fine not exceeding $25 for the first offence, and not exceeding $100 for each subsequent offence.

6. The fees which the council shall be empowered by this Act to impose shall be fixed by the Lieutenant-Governor in Council, and shall be for the following purposes only : Fees.

(*a*) For registration as a student.

(*b*) For each assignment of articles.

(*c*) For each examination.

(*d*) For registration as an architect.

(*e*) For the annual fee of members.

7. This Act shall be read as part of *The Ontario Architects' Act*. Act incorporated with 53 V. c. 41.

No. 210.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Ontario Architects' Act.

First Reading, April 8th, 1895.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 211.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 495 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding thereto the following sub-section :— 55 V. c. 42, s. 495, amended.

Advertising.

(15) For granting leave or license to any person or persons, or corporation, to use, for advertising purposes, the streets or highways, or any portion or portions thereof, or any property owned or controlled by the municipality, and for licensing, regulating and governing any such person or persons, or corporation to whom such leave or license may be granted as aforesaid; and for fixing the sum to be paid for every such leave or license, and the time for which the same shall be in force. Advertising in streets.

No. 211.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th April, 1895.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 212.] BILL. [1895.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 263, sub-s. 1, amended.

1. Sub-section 1 of section 263 of *The Consolidated Municipal Act 1892*, is amended by striking out the figures "31st" in the fourth line thereof, and inserting in lieu thereof the figures "15th."

55 V. c. 42, s. 263, sub-s. 3, amended.

2. Sub-section 3 of said section 263 is amended by striking out the words "the portion of" in the sixth line thereof and the words "a similar statement in detail shall be attached thereto respecting the last fifteen days of the preceding year" as contained in the eighth and ninth lines thereof.

No. 212.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th April, 1895.

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 213.] **BILL.** [1895.

An Act respecting Aid to certain Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid granted

1. There shall be granted out of the consolidated revenue fund for the construction of the portions of railways and other works hereinafter mentioned, the sums following, that is to say:

To Ottawa, Arnprior and Parry Sound Railway,

(1) To the Ottawa, Arnprior and Parry Sound Railway from a point seventy miles westerly from Barry's Bay (at the end of the portion of the railway to which aid was granted in 1894) to the crossing of the Northern and Pacific Junction Railway near Scotia, or for a distance not exceeding thirty-seven miles, a cash subsidy of $3,000 per mile.

Tilsonburg, Lake Erie and Pacific Railway,

(2) To the Tilsonburg, Lake Erie and Pacific Railway, formerly the Brantford, Norfolk and Port Burwell Railway, from Tilsonburg to Port Burwell, a distance of sixteen miles, a cash subsidy of $2,000 per mile.

Penetanguishene and Midland Electric Street Railway, Light and Power Company (Ltd.),

(3) To the Penetanguishene and Midland Electric Street Railway Light and Power Company (Limited) to connect Penetanguishene with the Ontario Reformatory for Boys, a cash subsidy of $4,500.

Ontario and Rainy River Railway Company,

(4) To the Ontario and Rainy River Railway Company from the westerly end of the thirty-five miles of the said line to which aid has heretofore been granted, near Moss township, northwesterly a further distance not exceeding forty-five miles to a point at or near the Atakokan iron range towards Seine bay on Rainy lake, a cash subsidy of $3,000 per mile.

Interprovincial Railway and bridge near Nepean Point.

(5) Towards the building of an interprovincial railway and passenger and traffic bridge across the Ottawa river at or near Nepean Point for the common and equal benefit of all Her Majesty's subjects, a sum of $50,000; provided that a sum of $600,000 or more be expended in the construction of the said

bridge ; and provided further that the Province of Quebec contribute in like manner as this province at least $50,000, and the Dominion at least $100,000 ; and provided further that the bridge be built on plans approved of by the Lieutenant-Governor in Council ; and the said grant by this province shall be subject to any further conditions that the Lieutenant-Governor of this Province may appoint or approve and shall be paid on completion of the bridge.

Application of 52 V. c. 35, s. 2.

2. All the provisions of section 2 of chapter 35 of the Act passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made, and so far as the same may be applicable the said sections shall apply to the bridge in the preceding sub-sections mentioned and to the grant in aid thereof.

Conditions on which grants are made.

3. The subsidies hereby granted shall be subject to the following conditions :

Stations.

(1) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of and intervals at which stoppages shall be made at such stations for the accommodation of the public.

Compliance with regulations for protection of timber.

(2) Every company to which aid is granted by this Act, shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway.

Grants not earned in five years.

4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act, shall lapse and revert to the consolidated revenue fund of the province.

Land subsidy fund.

5. For the purpose of forming a subsidy fund there is hereby set apart so much of the lands of this province belonging to the crown as lie within the distance of ten miles on each side of those portions of the Ottawa, Arnprior and Parry Sound Railway and the Ontario and Rainy River Railway to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to ten inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign.

No. 213.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An An respecting Aid to certain Railways.

First Reading, th April, 1895.

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. .] **BILL.** [1895.

The Municipal Amendment Act, 1895.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 17, sub-s. 3, amended.

1. Clause A of sub-section 3 of section 17 of *The Consolidated Municipal Act 1892*, is amended by adding at the end thereof the following words: "and for the purpose of enforcing such payment the like remedies may be had and proceedings taken against the person in default as are provided by sub-section 1 of section 98 of *The Consolidated Assessment Act 1892*, in cases of neglect or refusal to pay any sum for statute labor commuted under section 94 of the said Assessment Act."

55 V. c. 42, s. 77, sub-s. 1 repealed.

2. All the words in sub-section 1 of section 77 of the said Act after the words "behalf of the corporation" in the twelfth line thereof are repealed and the following substituted therefor:

Disqualification for membership in councils.

"Or having a contract for the supply of goods or materials, or supplies of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the council or of an officer thereof on behalf of the council or has an unsatisfied claim for such goods or materials, and no person who, either by himself or with or through another, has any claim, action or proceeding against the municipality and no person who is counsel or solicitor either by himself or with or through another in the prosecution of any claim, action or proceeding against a municipality shall be qualified to be a member of the council of any municipal corporation"

55 V. c. 42, s. 102 amended.

3. Section 102 of the said Act is hereby amended by striking out the third paragraph of the form of oath for freeholder therein and substituting therefor the following:

Amendment of oath of freeholder.

"That you are at the date of this election in your own right (*or your wife is*) a freeholder within this polling sub-division (*or where ward is not sub-divided into polling sub-divisions then* 'within this ward') in this municipality."

55 V. c. 42, s. 102 amended.

Section 102 of said Act is further amended by striking out the 6th paragraph of the said form of oath and substituting therefor the following paragraph:

Amendment of oath of freeholder voting for mayor or reeve, etc.

"(*In the case of municipalities divided into wards*) that you have not voted before at this election either at this or any other polling place in this ward, and (*if the elector is tendering his vote for* mayor, reeve or deputy reeve) that you reside in this polling sub-division (*or when ward not sub-divided into polling sub-divisions then* 'in this ward') or (are not entitled to vote in the polling sub-division in which you reside, or are not resident within the municipality *as the case may be*) and that you have not voted before or elsewhere at this election in this municipality for mayor, reeve or deputy reeve, and will not vote elsewhere in this municipality at this election for mayor (reeve or deputy reeve *as the case may be.*)"

55 V. c. 42, s. 103 amended.

4. Section 103 of the said Act is hereby amended by striking out the 8th paragraph of the form of oath of householder or tenant therein and substituting therefor the following:

Amendment of oath of householder.

"(*In the case of municipalities divided into wards*) that you have not voted before at this election either at this or any other polling place in this ward and (*if the elector is tendering his vote for* mayor, reeve or deputy reeve) that you reside in this polling sub-division (*or where ward not sub-divided into polling sub-divisions then* 'in this ward') or (are not entitled to vote in the polling sub-division in which you reside) and that you have not voted before or elsewhere in this municipality at this election for mayor, reeve or deputy reeve, and will not vote elsewhere in this municipality at this election for mayor (reeve or deputy reeve *as the case may be.*)

55 V. c. 42, s. 117 amended.

5. Section 117 of the said Act is amended by adding after the word "day" in the first line thereof, the following:

Resignation of person nominated.

"Or where such last named day is a public holiday, then before twelve o'clock noon of the succeeding day any person proposed for one or more offices may resign or elect for which office he is to remain nominated."

55 V. c. 42, s. 117 amended.

6. Section 117 of the said Act is hereby further amended by striking out all the words after "municipality" in the thirteenth line thereof and substituting therefor the following:

Election by acclamation when other candidates retire.

"Provided also that if by reason of any such resignation or resignations the number of candidates remaining proposed for any office or offices does not exceed the number required by this Act to be elected for such office or offices, then the clerk or other returning officer shall declare such remaining candidate or candidates duly elected to such office or offices."

55 V. c. 42, s. 140, sub-s. 1 amended.

7. Section 140, sub-section 1, is amended by adding thereto, as sub-section 1 (*a*) the following:

(1*a*) "The judge shall direct that in default of the payment of the said penalty and costs within the time fixed by the said judge, the offender shall be imprisoned in the common gaol for the county for such period not exceeding thirty days, as shall be directed by the said judgment, and in case of such default of payment the judge shall issue a warrant for such arrest and for confinement of the offender in such common gaol in accordance with the said judgment, unless the penalty and costs shall be sooner paid." Imprisonment of elector voting twice for mayor.

8. Sub-section 2 of section 155 of the said Act is hereby amended by striking out the word "was" in the fifth line thereof and substituting therefor the words "and poll book were." 55 V. c. 42, s. 155, sub-s. 2 amended. Declaration as to poll-book.

9. Schedule G of the said Act is hereby amended by adding after the word "list" in the fifth line thereof the words "and poll book," and by substituting the word "were" for the word "was" in the sixth line thereof. 55 V. c. 42, schedule G amended. Declaration as to poll-book.

10. Section 182 of the said Act is amended by adding after the word "town," in the first line thereof, the words "or the office of reeve of a township or village," and by striking out the words "the first day of December" in the second line, and substituting therefor the words "first day of November." 55 V. c. 42, s. 182, amended.

11. Section 182 of the said Act is hereby further amended by adding thereto as sub-section 2 the following: 55 V. c. 42, s. 182, amended.

(2) In case the office of alderman or councillor becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered by the court, it shall be in the discretion of the council to direct that an election be held to fill such vacancy or otherwise, as it may see fit. Vacancies in office of alderman or councillor after 1st November.

12. Section 187 of the said Act, sub-section 1, is hereby amended by inserting after the word "thereat" in the twelfth line thereof the words "or in case of an election by acclamation any elector entitled to vote at a municipal election for the municipality." 55 V. c. 42, s. 187, sub-s. 1 amended.

13. Section 188 of the said Act is hereby amended by inserting thereafter the following as sub-section 1:

Service of such notice of motion shall be made within two weeks from the date of the order or fiat so granted by the judge or officer having jurisdiction, unless otherwise ordered by the judge, as provided for in section 194 of this Act; and in cases where the order or fiat has heretofore been obtained, the service shall be made within two weeks after this Act shall come into force unless otherwise ordered by the judge. Time for service of notice of motion.

55 V. c. 42 amended.

14. Section 399 of the said Act is hereby amended by adding thereto the following section as section 399*a* :—

Payment of arbitrators' fees on taking up award.

"399*a*.—(1) Either of the parties to any such arbitration may pay the fees of the arbitrators therein as demanded by the said arbitrators before delivery of their award into the office of the clerk of the county court for the county in which the municipality, wherein the land which is the subject matter of such arbitration is situated, together with $10 as security for costs, and the said clerk shall give a receipt for the same, and shall enter such payment in a book to be kept by him for the purpose, and shall be entitled to receive from the said party as a fee to his own use, when the sum paid in does not exceed $50, a fee of fifty cents, and when the sum paid in exceeds $50 the sum of $1, and the said arbitrators, or any two of them, who may have made the award in such arbitration, upon the production of such receipt, shall forthwith deliver their said award to the said party to the arbitration, paying in the said fees and the said $10 as aforesaid.

Taxation of arbitrators' fees by clerk.

"(2) The party so paying in the said sum may have the fees taxed by the clerk on the latter's appointment without any judge's order, upon giving two days' notice of such appointment by service of a copy thereof upon the arbitrators or upon the person named by them to receive such service for them, and if the said fees are found upon such taxation to be authorized by the *Act respecting Arbitrations and References*, the said fees so paid into the office of the said clerk as aforesaid, shall, unless there is a revision of such taxation as hereinafter provided, be forthwith paid out to the said arbitrators by the said clerk, but in case of a revision of such taxation, such payment out shall be postponed until such revision shall have been finally disposed of, and shall be subject to the result of such revision.

How costs to be taxed.

"(3) The said clerk upon taxation shall have regard to the charges made by each arbitrator and shall tax the fees of each arbitrator separately, and the costs of the taxation shall be in his discretion, and he may order the same to be paid either by the applicant or by the arbitrators or by any one or more of them, and he shall make such order in the premises as to him shall appear just.

Appeal from taxation.

"(4) Either party to the taxation may, within two days after the completion of such taxation, upon giving four days' notice to the opposite party, require a revision of such taxation by one of the taxing masters of the high court at Toronto, and may require the clerk to transmit all papers in the matter to such taxing master, and upon the payment of the necessary postage to the clerk the latter shall forthwith transmit such papers and his certificate of taxation or decision or a duplicate thereof to such taxing master.

"(5) Upon such revision, the taxing officer shall revise the said taxation and the order or decision of the said clerk as well as to costs as to all other matters, and the costs of the appeal shall be in his discretion and he may order the same to be paid either by the applicant or by any one or more of the arbitrators as to him shall seem just, and his order shall be final and conclusive upon all parties, and such order when necessary may be enforced by execution to be issued out of the county court where the money was deposited. Revision of clerk's taxation.

"(6) The order of the clerk or of the taxing master may direct the $10 so paid in as security as aforesaid, or so much as may be necessary, to be applied toward the payment of any costs payable by the applicant and the remainder, if any, to be returned to him, and that any costs payable by any arbitrator shall be deducted from any fees payable to him and so paid into court as aforesaid. In the event of such moneys being insufficient in any case to pay such costs, the clerk of the county court may order that execution issue against the person ordered to pay any balance, and the same shall issue upon such order out of the county court into which the fees were paid. Payment of costs out of $10 paid in as security.

"(7) Either party may file affidavits upon such taxation, or the clerk may examine the parties and the said arbitrators and any other witnesses upon oath upon the request of either party to the taxation. Either party may file affidavits.

"(8) When the amount of the fees paid in does not exceed $100, the costs of taxation or appeal shall be upon the division court scale, and where the fees paid in exceeds $100 upon the county court scale; but the clerk or taxing officer may, in his discretion, fix a lump sum to be paid in lieu of taxation." Scale of taxation costs.

15. Section 444 of the said Act is amended by inserting the words "and provide and pay all other necessary expenses" after the word "necessaries" in the fifth line thereof, and by substituting the words "use and maintenance" for the words "and use" in the seventh line thereof. 55 V. c. 42, s. 444 amended.

16. Section 460 of the said Act is hereby amended by adding thereto the following as sub-section 7: Detention of indigent persons.

(7) The council may pass by-laws for committing to and detaining at such houses of industry for a period of not more than twelve months, indigent persons, and the warrant of the warden or head of a council passing such by-law, under the seal of the corporation, shall be sufficient authority to the keeper of such house of industry to detain the person therein mentioned for a period stated in such warrant not to exceed twelve months, but this shall not affect the powers of committal by law conferred on any other person or officer.

17. Sub-section 16 of section 479 of the said Act is amended by adding the following thereto: 55 V. c. 42, s. 479, sub-s. 16

Regulating egress, etc., in public buildings.

(16) And for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in any such buildings or leading thereto during the occupation of the same by any public assemblage.

Powers of police officers as to seeing that by-laws enforced.

18. During the time any church, theatre, hall or other building used for place of worship, public meeting or place of amusement is occupied by an assemblage of persons, the chief constable or any police officer or member of the police force of any city or town in which such church or other building is situated, may enter any such church or other building to see that the by-laws of the municipality for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in such building or leading thereto are not being violated, and to require the removal therefrom of any obstructions which may be placed in such halls, aisles, passage-ways, alleys or approaches thereto.

55 V. c. 42, s. 483 amended.

19. Section 483 of the said Act is amended by adding the following sub-sections thereto:

Taking lands for public works. Filing plans and specifications and giving notice.

(1) Whenever any council in any city or incorporated town is desirous of entering upon any public work or undertaking, in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, such council may, notwithstanding anything in this Act contained to the contrary, file plans and specifications of such work or undertaking, or certified copies thereof with the clerk of the municipality, who shall, on receiving the same, issue a notice setting out the council's intention to proceed with such work or undertaking, and to enter upon, take or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within sixty days from the service of such notice, and shall cause such notice to be served upon the owners and occupiers of or other persons interested in the said real property to be so taken, entered upon or used as aforesaid, or that may be injuriously affected as aforesaid, and that such owners, occupiers or other persons shall file with the said clerk, within the said period of sixty days, their claim for damages for any of the causes aforesaid, showing the amount thereof, or in default thereof that any claim for such damages will be barred. Provided, however, that in case the person served as aforesaid shall, at the time of such service, be resident outside the Province of Ontario, a further period of thirty days shall be allowed such person to file such claim.

Time within which claim is to be made.

(2) All such claims shall be made pursuant to the said notice, and unless made within sixty days after the service of such notice in the case of persons resident within the prov-

ince, or within a further period of thirty days provided for in the case of persons resident outside of the province, shall be barred and extinguished unless upon application to the judge of the county court of the county in which such city or town is situated, and upon giving to the said council at least seven days' notice of such application, such judge shall allow claim to be made and served, but such claim shall be absolutely barred and extinguished unless made within a period of one year from the service of the said notice. Either party may appeal from the decision of the judge to a divisional court of the high court.

Determining claims by arbitration.

(3) If any such claim shall be so filed within the time aforesaid the same, unless accepted by the council, shall forthwith be determined by arbitration under this Act.

(4) In every arbitration had or taken under any of the provisions of this Act, the person making a claim thereunder shall deliver full particulars of the damages for which such claim is made, and the arbitrator or arbitrators, upon the hearing of such claim, shall have the same power as to amendment generally, or to amend such claim or particulars or any proceeding or proceedings that may be had or taken upon the hearing thereof, as a judge would have under the provisions of *The Judicature Act* or otherwise, and such arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear, upon any matter or question, further evidence of a cumulative character.

Claims not barred where plans insufficient.

(5) Provided further that nothing in this section contained shall bar or distinguish any claim when the plans and specifications filed do not reasonably and sufficiently disclose the damage that may be sustained.

55 V. c. 42, s. 489, sub-s. 9*a* amended.

20. Sub-section 9*a* of section 489 of the said Acts is hereby amended by striking out the figures "$100" in the eighth line thereof, and substituting therefor the figures "$250" and by striking out the figures "$50" in the said eighth line and substituting therefor the figures "$100."

Meaning of words "transient traders."

21. The following shall be read as sub-section 9*b* of section 489: The words "transient traders" wherever they occur in sub-sections 9 and 9*a* of section 489 of this Act, shall extend to and include any person, commencing the business in said sub-sections mentioned in any municipality who has not resided continuously in such municipality for a period of at least three months next preceding the time of the commencement of such business therein.

55 V. c. 42, s. 489, sub-s. 38, amended.

22. Sub-section 38 of section 489 of the said Act is amended by inserting the words "or other member of the police force" after the word "inspector" in the fifth line thereof, and by adding the same words "or other member of the police force" after the word "officer" in the eighth line thereof.

55 V. c. 42, s. 489, amended.

23. Section 489 of the said Act is amended by adding the following sub section thereto:

Regulating bicycles.

"(59) For regulating and governing (but not licensing) persons using bicycles and other vehicles not drawn by horses."

24. Sub-section 25 of section 496 of the said Act is repealed and the following is substituted therefor:—

Removal of snow, etc.

(25) For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property or the property of persons who neglect to clean the same within five hours after eight o'clock in the morning where the storm ceased at any time before the hour of eight o'clock in the morning, and to remove and clear away all snow and ice and other obstructions from such sidewalks and streets at the expense of the owner or occupant in case of his default; and in case of non-payment to charge such expense as a special assessment against such premises, to be recovered in like manner as other municipal rates.

Hours within which sidewalks must be cleaned.

55 V. c. 42, s. 504, sub-s. 7, amended.

25. Sub-section 7 of section 504 of the said Act is amended by adding thereto the following sub-section:

Aiding benefit funds for corporation employees.

"(7*a*) For aiding and assisting by annual money grant, or otherwise, as the council may deem expedient, the establishment and maintenance of official benefit funds for employees of the corporation (other than employees of the police force and fire brigades hereinafter provided for) and their families."

55 V. c. 42, s. 510 amended.

26. Section 510 of the said Act is amended by adding thereto the following sub-sections as sub-sections 3, 4, 5, 6 and 7.

Fire protection in defined area in towns or incorporated villages.

(3) Upon the petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a town or incorporated village representing in value more than one-half of the assessed real property within such portion or area, the council of such town or incorporated village in which such town or incorporated village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances, and the supply of water therefor, for the purposes of fire protection, and may by the same or any subsequent by-law define, by metes and bounds or otherwise what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

(4) Debentures issued under this section shall be so issued in conformity with section 342 of *The Municipal Act.* Issuing debentures.

(5) The said council may levy the costs of such engine and appliances and of the water supply upon the real property to be benefited in any one year, or may issue the debenture or debentures of the town or incorporated village payable in annual proportions during a period not exceeding ten years, with interest as to the said council may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid. Costs of such engine, etc.

(6) The police trustees shall have the charge, control and management of said fire engine and appliances and the said supply of water, and shall annually, before the striking of the rate for the year by the council, furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the said fire engine and appliances and for providing the necessary water supply. Police trustees to have charge.

(7) It shall not be necessary to submit any of the said by-laws in this section or in the preceding section to a vote of the electors, nor to comply with the formalities required only for the purposes of such submission. Assent of electors not required.

27. Section 521 of the said Act is amended by adding thereto, immediately after sub-section 6 thereof, the following sub-section : 55 V. c. 42, s. 521, amended.

6.—(*a*) For reducing or varying the amount of statute labor to be performed by the ratepayers or others within certain defined areas in the municipality when, in the opinion of the council, exceptional circumstances exist rendering such reduction or variation equitable, and upon such conditions as may be imposed by the by-law. Reducing or varying statute labor in defined localities.

28. The last two lines of sub-section 1 of section 550 of the said Act are repealed and the following substituted : 55 V. c. 42, s. 550, sub-s. 1 amended.

"Roads within its jurisdiction, and also for permitting sub-ways or bridges for cattle under any highway."

29. Sub-section 1 of section 616 of the said Act is amended by inserting after the word "property" in the seventh line thereof the following words : "the number of such owners and the value of such real property as appears by the last revised assessment roll as aforesaid having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf." 55 V. c. 42, s. 616, sub-s. 1 amended.

30. Sub-section 4 of section 616 of the said Act is amended by adding after the words "city or town" in the first line the words "or incorporated village." 55 V. c. 42, s. 616, sub-s. 4, amended.

31. Sub-section 1 of section 623c of the said Act as amended by section 16 of *The Municipal Amendment Act 1894*, is amended by adding the following thereto as part thereof:

Exemption to extent of 60 per cent.

When sidewalks have been or shall be built under this section, the property assessed for the said sixty per centum for or towards such construction shall be exempted from any general rate or assessment for the like purpose under section 624 of *The Consolidated Municipal Act* to the extent of sixty per centum of such rate only.

55 V. c. 42, s. 629, amended.

32. Section 629 of the said Act is amended by adding thereto the following sub-section:

Local assessments for watering, sweeping or lighting streets.

(5) The council may also, by by-law, designate certain streets or parts of streets to be watered, swept or lighted, and may impose a special rate upon the assessed real property therein according to the frontage thereof, or according to the assessed value thereof when only such latter system shall have been adopted, by a three-fourths vote of the full council, in order to pay any expenses incurred in watering, sweeping or lighting such streets or parts of streets.

55 V. c. 42 amended.

33. The said Act is amended by inserting therein the following as 663*c* and 663*d*.

Submitting by-laws for purchase of fire appliances and lighting and heating in police villages.

663*c*.—(1) On the application of the trustees of any police village for the issue of debentures for the purchase of fire engines and other appliances for the purpose of fire protection and the supply of water therefor or for lighting the streets of such police village, or supplying light and heat to the inhabitants thereof, the council of the township in which the police village is situated shall submit to the ratepayers of such village entitled to vote on money by-laws in the manner provided by *The Consolidated Municipal Act 1892* in respect of by-laws for the creating of debts, a by-law for the purpose of issuing such debenture or debentures for a period not exceeding ten years, and for levying a special rate for repayment thereof upon the taxable property in such police village, and in the event of the assent of the said ratepayers being thereto obtained then it shall be the duty of such council to raise or borrow such sum.

Issuing debentures.

(2) Debentures issued under this section shall be so issued in conformity with section 342 of *The Municipal Act*.

Treasurer to pay orders of trustees on funds raised.

(3) All moneys so raised as aforesaid by the issue of debentures shall be retained in the hands of the township treasurer, who shall pay thereout any order given in favor of any person or persons by the inspecting trustee or by any two of the trustees, such order being for work previously actually performed or in payment of some other executed contract necessary for the carrying out of such improvements.

Trustees may make contracts, employ labor, etc.

(4) It shall be the duty of the trustees, and the trustees shall have power to let contracts, employ labor, purchase material, and do all things necessary for the proper construction, maintenance and operating of such improvements, and the said trustees shall have the care, control and management of said fire engine and appliances as well as of the construction, maintenance and operating of the plant and apparatus necessary for the purpose of supplying light and heat as aforesaid, and the said trustees shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied from the property of the said village for the services aforesaid for the current year, and for managing and maintaining the said fire engine and appliances, and for providing the necessary water supply.

Fire protection in defined area in police villages.

663*d*.—(1) Upon the petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a police village, representing in value more than one-half of the assessed real property within such portion or area, the township council of the township in which such police village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances and the supply of water therefor for the purposes of fire protection, and may by the same or any subsequent by-law define, by metes and bounds or otherwise what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Costs of such engine, etc.

(2) The said council may levy the costs of such engine and appliances and of the water supply upon the real property to be benefited in any one year, or may issue the debenture or debentures of the township payable in annual proportions during a period not exceeding ten years, with interest as to the said council may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid.

Police trustees to have charge.

(3) The police trustees shall have the charge, control and management of said fire engine and appliances and the said supply of water, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Assent of electors not required.

(4) It shall not be necessary to submit any of the said by-laws in this section or in section 34 of this Act mentioned, except the by-law which directed to be so submitted, to

a vote of the electors, nor to comply with the other formalities required only for or on account of such submission.

Issuing debentures.

(5) Debentures issued under this section shall be so issued in conformity with section 342 of *The Municipal Act.*

44 V. c. 42, amended.

34. Section 667 of the said Act is amended by adding thereto the following as sub-section 667*b*:

Establishment of parks, gardens, etc., in police villages.

667*b*.—(1) Upon the petition of three-fourths of the persons entitled to vote upon a money by-law in any police village, the township council of the township in which such police village is situate may pass a by-law or by-laws for acquiring real property within or without the limits of said police village for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the said council may deem necessary for the purposes of such park, garden or place for exhibitions and for the disposal of such real property and improvements when no longer required for such purposes.

Assessing property in police villages for cost of parks.

(2) By the same or any subsequent by-law the council may make provision for assessing and levying on the real property of the said police village, the cost of such park, garden or place for exhibitions, and of the erecting thereon of buildings and fences and of the repairing and maintaining of such improvements, or for the issuing of the debenture or debentures of such township payable in annual proportions during a period not exceeding ten years, with interest for the payment therefor, and for levying of the amount payable on such debenture or debentures from time to time upon such real property.

Police trustees to have control of park.

(3) The police trustees shall have the charge, control and management of such public park, garden or place for exhibition, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining such public park, garden or place for exhibitions.

Assent of electors not required.

(4) It shall not be necessary to submit any of the said by-laws in this section to a vote of the electors, nor to comply with the other formalities required only for or on account of such submission.

No. 214

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

The Municipal Amendment Act, 1895.

First Reading, April, 1895.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. .] **BILL.** [1895.

The Assessment Amendment Act 1895.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of said section 7*a* is amended by inserting in the tenth line thereof immediately after the words "water-works," the following words: "whether for domestic use or for fire protection or both," and by inserting after the word "improvements" in the fourteenth line thereof, the words "or any of them." 55 V. c. 48, ss. 2 of sec. 7*a*, amended.

2. Sub-section 1 of section 27 is amended by striking out the words "in case the council so directs" in the sixth and seventh lines thereof. 55 V. c. 48, ss. 1, sec. 27, amended.

3. Sub-section 1 of section 52 of the said Act is hereby amended by adding thereto the following: "Provided nevertheless, that in cities containing a population of 30,000 or more, the assessment may be made between the 1st day of June and the 30th day of September, but this proviso shall not affect section 13 of chapter 82, 54 Victoria. 55 V. c. 48, s. 52, s.-s. 1, amended.

4. Section 76 of the said Act is amended by inserting "$75" in lieu of "$50" in the 8th line thereof, and by inserting in the 19th line thereof after the word "heard" the following words, "and the judge or acting judge of the county court of the county whose county town is the next nearest to the court house where the said appeal will be heard," and by substituting for the words "the said judge" in the 20th line the words "the said judges," and by striking out the words "judge or" in the thirtieth line of the said section. 55 V. c. 48, s. 76, amended.

5. Sub-section 4 of the said section is repealed, and the following substituted therefor: "(4) When three judges hear the appeal the decision of the majority shall prevail." 55 V. c. 48, s. 76, sub.-s. 4, amended.

6. Sub-section 5 of the said section is repealed and the following substituted therefor: 55 V. c. 48, s. 76, sub.-s. 5, repealed.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid, shall pay out of the Payment of travelling expenses of county judges.

moneys so deposited, upon requisition by the judges respectively, such sums as the said judges shall certify to him as their respective travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person or corporation who deposited the same, and each of the said outside judges shall be entitled to be paid a sum not exceeding five dollars per day for their services in connection with the said appeal, the sum so paid to them to be part of the costs of the appeal and payable by such party to the appeal as the majority of the judges hearing the said appeal shall determine.

55 V. c. 48, s. 124, sub-s. 1, amended.

7. Sub-section 1 of section 124 of the said Act is amended by adding thereto the following:

Goods in possession of warehouseman not to be seized for taxes.

Provided nevertheless that no goods which are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

Goods in possession of assignee or liquidator not to be seized for taxes.

And provided further that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company being wound up and the taxes upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or the goods remains thereon.

55 V. c. 48, s. 143, sub-s. 2, amended.

8. Section 2 of section 143 of the said Act is amended by striking out the words "1st day of July" in the second line thereof, and substituting therefor the words "15th day of September."

55 V. c. 48, amended.

9. *The Consolidated Assessment Act of 1892* is amended by adding thereto the following sections:—

Assent of ratepayers not required to by-laws for issuing debentures on non-resident land fund.

"216*a*. It shall not be necessary to procure the assent of the ratepayers before the passing of the by-law authorized by section 215.

Application of proceeds of debentures issued on credit of non-resident land fund.

"216*b*. The council may by by-law direct that all moneys received by the county treasurer from the proceeds of the sale of such debentures shall be paid in such manner and at such times, as may be directed by such by-law to such municipality or municipalities, as to the council may seem proper, provided that the whole sum, ordered by such by-law to be paid to any such municipality, shall not exceed two-thirds of all arrears, at the date of the passing of such by-law, due and accruing upon the lands in such municipality, together with such other sums as may be in the county treasurer's hands, or otherwise invested to the credit of the said fund received from and on account of the taxes due upon the lands in such municipality.

Paying over proceeds of debentures.

"216*c*. The treasurer shall pay the proceeds of the sale of said debentures to such municipality or municipalities within the county as may be directed by such by-law."

No. 215

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

The Assessment Amendment Act 1895.

First Reading, 1895.

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. .] **BILL.** [1895.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-five, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS it appears by messages from His Honour, the Honourable George Airey Kirkpatrick, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-five; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

$3,579,013.63 granted out of the Consolidated Revenue Fund for certain purposes. **1.** From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million five hundred and seventy-nine thousand and thirteen dollars and sixty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand

eight hundred and ninety-five as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-six as set forth in schedule B to this Act.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-five, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-five and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Government House	$1,950 00
Lieutenant-Governor's Office	3,980 00
Executive Council and Attorney-General's Office	20,452 50
Education Department	19,950 00
Crown Lands Department	58,550 00
Department of Public Works	22,150 00
Treasury Department	42,410 00
Provincial Board of Health	7,270 00

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department	$19,750 00	
Inspection of Public Institutions	15,100 00	
Insurance Branch	6,500 00	
Department of Agriculture	17,650 00	
Immigration Branch	1,800 00	
Miscellaneous	9,650 00	
		$247,162 50

LEGISLATION.

To defray expenses of Legislation	128,600 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—		
Supreme Court of Judicature	$66,478 00	
Surrogate Judges and Local Masters	23 190 00	
Miscellaneous Criminal and Civil Justice	327,649 00	
		417,317 00

EDUCATION.

To defray expenses of:—		
Public and Separate Schools	$242,495 44	
Schools in Unorganized Districts and Poor Schools	45,000 00	
Kindergarten Schools	3,000 00	
Night Schools	1,000 00	
Public School Leaving Examinations	3,500 00	
High Schools and Collegiate Institutes	100,000 00	
Model Schools	10,300 00	
Special grant to French Training School	800 00	
do Public Schools in unorganized districts for training District Teachers	1,200 00	
Teachers' Institutes	2,400 00	
Inspection of Schools	59,350 00	
Departmental Examinations	22,050 00	
Ontario School of Pedagogy (maintenance)	7,000 00	
Normal and Model Schools, Toronto	24,454 00	
" " " Ottawa	22,260 00	
Library and Museum	5,300 00	
School of Practical Science	21,220 00	
Mechanics' Institutes, Art Schools, Literary and Scientific	55,950 00	
Miscellaneous	4,800 00	
Superannuated and Public and High School Teachers	61,300 00	
		693,379 44

Public Institutions' Maintenance.

To defray expenses of :—		
Asylum for the Insane, Toronto	$ 97,323 00	
Asylum for the Insane, London	132,194 00	
Asylum for the Insane, Kingston	77,648 00	
Asylum for the Insane, Hamilton	113,043 00	
Asylum for the Insane, Mimico	71,308 00	
Asylum for Insane, Brockville	36,999 00	
Asylum for Idiots, Orillia	60,488 00	
Central Prison, Toronto	60,000 00	
Provincial Reformatory, Penetanguishene	34,730 00	
Institution for the Deaf and Dumb, Belleville	44,471 00	
Institution for the Blind, Brantford	35,016 00	
Mercer Reformatory for Females	24,830 00	
		$788,050 00

Immigration.

To defray expenses of a grant in aid of Immigration	8,425 00

Agriculture.

To defray expenses of a grant in aid of Agriculture	184,536 00

Hospitals and Charities.

To defray expenses of a grant in aid of Hospitals and Charities	190,416 57

Maintenance and Repairs of Government and Departmental Buildings.

Government House	$ 7,500 00	
Old Parliament Buildings	1,200 00	
New Parliament and Departmental Buildings	26,880 00	
Attorney-General's Department	400 00	
Crown Lands Department	600 00	
Treasury Department	2,400 00	
Provincial Secretary's Department	1,015 50	
Department of Agriculture	650 00	
Department of Public Works	200 00	
New Parliament Buildings, exclusive of Departments	2,000 00	
Education Department (Normal School Building)	9,600 00	
Normal School, Ottawa	4,150 00	
School of Practical Science	3,000 00	
Agricultural College	6,750 00	
Osgoode Hall	8,840 00	
Miscellaneous	3,320 00	
		78,505 50

Public Buildings.

Asylum for the Insane, Toronto	$10,525 00	
Mimico Cottages	10,875 00	
Asylum for the Insane, London	13,650 00	
Asylum for the Insane, Hamilton	15,750 00	
Asylum for the Insane, Kingston	8,275 00	
Asylum for the Insane, Brockville	79,125 00	
Asylum for Idiots, Orillia	5,550 00	
Reformatory, Penetanguishene	3,500 00	
Reformatory for Females, Toronto	3,550 00	
Central Prison, Toronto	24,800 00	
Deaf and Dumb Institute, Belleville	4,040 00	
Blind Institute, Brantford	2,450 00	
Agricultural College, Guelph	19,300 00	
Normal School and Education Depart't, Toronto	800 00	
Normal School, Ottawa	3,300 00	
School of Practical Science, Toronto	8,415 00	
Osgoode Hall, Toronto	1,800 00	
Government House, Toronto	1,100 00	
District of Algoma	3,900 00	
Thunder Bay District	1,400 00	
Rainy River District	400 00	
Muskoka District	2,300 00	
Parry Sound District	900 00	
Nipissing District	4,750 00	
Haliburton District	2,000 00	
Miscellaneous	15,370 00	
New Parliament Buildings	19,161 00	
		$266,986 00

Public Works.

To defray expenses of Public Works	$47,508 00

Colonization Roads.

To defray expenses of Construction and Repairs	$116,758 00

Charges on Crown Lands.

To defray expenses on account of Crown Lands	$117,259 00

Refunds.

Education	$ 2,000 00	
Crown Lands	18,500 00	
Municipalities Fund	1,244 60	
Land Improvement Fund	3,239 22	
		$24,983 82

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	$139,126 80

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses.....	$50,000 00
Total estimates for expenditure of 1895.....	$5,499,013 63

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-six, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1896.....	$ 80,000 00
Total.....	$3,579,013 63

No.

1st Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-five, and for other purposes therein mentioned.

First Reading, th April, 1895.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.